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# DIGEST

OF THE

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OF THE

United States OF America,

BEING

A Complete System,

(Alphabetically arranged)

OF ALL THE

Public Acts of Congress now in force—

*From the commencement of the Federal Government, to the  
end of the third Session of the fifth Congress, which  
terminated in March 1799,  
inclusive.*

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Br THOMAS HERTY,

Editor of an Abridgment of the *Latus* of Maryland.

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BALTIMORE:

Printed for the EDITOR, by W. PECHIN.

1800.





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## Preface.



**T**HIS work is committed to public attention, under the presumption, that a digest of all the public acts of Congress, if accurately executed, would be highly acceptable.—To follow the fluctuations of trade and commerce, and the complicated interests and arrangements which are necessarily generated by these and other connections, arising from the introduction of luxury and refinement amongst mankind, through the various acts of the Legislature in their present state, will be found no easy task.

Acts which are obsolete, expired, or virtually repealed, still retain their places in the present edition of the acts of Congress, which must necessarily perplex those who have occasion to consult that code, unless they possess a thorough knowledge of all the existing Laws, and are in perfect recollection of the various alterations which they have sustained in consequence of the explanatory acts and amendments which lie scattered in the acts of the respective sessions, according to the order of time in which they were passed.

As many persons cannot spare time, and few will take the trouble to collect the law on each particular subject in one point of view, therefore it is not to be wondered at, if from a cursory, inattentive and unconnected perusal of the acts in the order in which they passed, that the major part of society should be unacquainted with their rule of conduct; convinced of the utility of such a design, the Editor thought he could not employ his leisure hours, more advantageously for the public or himself, nor better express the grateful sense which he entertains of the liberal patronage he lately experienced on a similar occasion, than by compiling the following Digest of the Acts of Congress.

In this compilation, all acts now extinct or of local or personal operation, are rejected; and such only as are actually in force, and of general use retained.—In the execution of the principal design, the Editor has pursued that mode which he conceived to be the

most simple and at the same time, the most conducive to general information and utility; having reduced the whole under general heads—those heads he has subdivided into articles which comprehend the matter contained in each section, keeping in sight in the choice of heads, the tendency or view of the Act. In some instances however, he has deviated a little from this plan; that is—under the general heads *Duties* and *Treaties*, he has subdivided those into particular heads so as to make each particular Duty or Treaty come under its proper species.

When the provisions of the legislature remain unaltered, the acts are placed under each head, in chronological order; but where they have received subsequent amendment the explanatory and controuling clauses are immediately referred to, together with the continuance of such of the acts as are of a limited duration. Thus the whole law is retained, consolidated and perspicuously displayed in the compass of a single volume.

At the conclusion is subjoined a copious index, referring to the pages and articles, by the use of which, the law upon any subject, may be known with the utmost ease and celerity.

Having thus explained the nature of the arrangements, the mode which has been adopted in the compilation, and the sources from which this information has been derived.—The design being entirely his own, it may in some degree abate the severity of censure to recollect, that in the arrangement of the subject he had no example to follow, no guide to direct him, and was altogether left to the impulse of his own judgment.—Whether he has succeeded or not the public must determine, and from the exertions made, he flatters himself that his expectations will not be wholly disappointed.

It was contemplated to give the names of the subscribers and their residence, but as there was no possibility of procuring their names from the different parts of the Union in due time, without procrastinating the work, and as the naming of any would be an injustice to the rest, he must therefore beg they will accept his general acknowledgments.

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# L A W S

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#### Aliens.

1. **I**T shall be lawful for the President of the U. S. at any time during the continuance of this act, to order all such *aliens* as he shall judge dangerous to the peace and safety of the U. S. or shall have reasonable grounds to suspect are concerned in any treasonable or secret machinations against the government thereof, to depart out of the territory of the U. S. within such time as shall be expressed in such order; which order shall be served on such alien by delivering him a copy thereof, or leaving the same at his usual abode, and returned to the office of the Secretary of State, by the Marshall or other person to whom the same shall be directed. And in case any alien so ordered to depart, shall be found at large within the U. S. after the time limited in such order for his departure, and not having obtained a *licence* from the President to reside therein, or having obtained such *licence* shall not have conformed thereto, every such alien shall, on conviction thereof, be imprisoned for a term not exceeding three years, and shall never after be admitted to become a citizen of the U. S. *provided*, that if any alien so ordered to depart shall prove to the satisfaction of the President, by evidence to be taken before such person or persons as the President shall direct, who are for that purpose hereby authorised to administer oaths, that no injury or danger to the U. S. will arise from suffering such alien to reside therein, the president may grant a *licence* to such alien to remain within the U. S. for such time as he shall judge proper, and at such place as he may designate. And the President may also require of such alien



to enter into a bond to the U. S. in such penal sum as he may direct, with one or more sufficient sureties to the satisfaction of the person authorised by the President to take the same, conditioned for the good behavior of such alien during his residence in the U. S. and not violating his licence, which licence the President may revoke, whenever he shall think proper. *June 25, 1798, c. 75. § 1. cont. for 2 years.*

2. It shall be lawful for the President of the U. S. whenever he may deem it necessary for the public safety, to order to be removed out of the territory thereof, any alien who may or shall be in prison in pursuance of this act; and to cause to be arrested and sent out of the U. S. such of those aliens as shall have been ordered to depart therefrom and shall not have obtained a licence as aforesaid, in all cases where in the opinion of the President the public safety requires a speedy removal. And if any alien so removed or sent out of the U. S. by the President shall voluntarily return thereto, unless by permission of the President of the U. S. such alien on conviction thereof, shall be imprisoned so long as in the opinion of the President, the public safety may require. *ibid. § 2.*

3. Every master or commander of any ship or vessel which shall come into any port of the U. S. after the first day of July next, shall immediately on his arrival make report in writing to the collector or other chief officer of the customs of such port, of all aliens if any, on board his vessel, specifying their names, age, the place of nativity, the country from which they shall have come, the nation to which they belong and owe allegiance, their occupation and a description of their persons, as far as he shall be informed thereof, and on failure, every such master and commander shall forfeit and pay 300 dollars, for the payment whereof on default of such master or commander, such vessel shall also be holden, and may by such collector or other officer of the customs be detained. And it shall be the duty of such collector or other officer of the customs, forthwith to transmit to the office of the department of State, true copies of all such returns. *ibid. § 3.*

4. The Circuit and District Courts of the U. S. shall respectively have cognizance of all crimes and offences against this act. And all marshals and other officers of the U. S. are required to execute all precepts and orders of the President of the U. S. issued in pursuance or by virtue of this act. *ibid. § 4.*

5. It shall be lawful for any alien who may be ordered to be removed from the U. S. by virtue of this act, to take with him such part of his goods, chattels, or other property, as he may find convenient; and all property left in the U. S. by any alien, who may be removed, as aforesaid, shall be, and remain subject to his order and disposal, in the same manner as if this act had not been passed. *ibid. § 5.*

For the manner in which aliens shall be naturalized—See *naturalization*.

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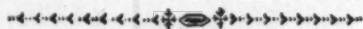
## Alien Enemies.

1. **W**HENEVER there shall be a declared war between the U. S. and any foreign nation or government, or any invasion or predatory incursion shall be perpetrated, attempted, or threatened against the territory of the U. S. by any foreign nation or government, and the President of the U. S. shall make public proclamation of the event, all natives, citizens, denizens, or subjects of the hostile nation or government, being males of the age of 14 years and upwards, who shall be within the U. S. and not actually naturalized, shall be liable to be apprehended, restrained, secured and removed as alien enemies. And the President of the U. S. is hereby authorized, in any event as aforesaid, by his proclamation thereof, or other public act, to direct the conduct to be observed, on the part of the U. S. towards the aliens who shall become liable, as aforesaid; the manner and degree of the restraint to which they shall be subject, and in what cases, and upon what security their residence shall be permitted, and to provide for the removal of those, who, not being permitted, to reside within the U. S. shall refuse or neglect to depart therefrom; and to establish any other regulations which shall be found necessary in the premises and for the public safety: Provided, that aliens resident within the U. S. who shall become liable as enemies, in the manner aforesaid, and who shall not be chargeable with actual hostility, or other crime against the public safety, shall be allowed, for the recovery, disposal, and removal of their goods and effects, and for their departure, the full time which is, or shall be stipulated by any treaty, where any shall have been between the U. S. and the hostile nation or government, of which they shall be natives, citizens, denizens or subjects: and where no such treaty shall have existed, the President of the U. S. may ascertain and declare such reasonable time as may be consistent with the public safety, and according to the dictates of humanity and national hospitality. *July 6, 1798, c. 83, § 1.*

2. After any proclamation shall be made as aforesaid, it shall be the duty of the several courts of the U. S. & of each state, having criminal jurisdiction, and of the several judges and justices of the courts of the U. S. and they shall be, & are hereby respectively, authorized upon complaint, against any alien or alien enemies, as aforesaid, who shall be resident and at large within such jurisdiction or district, to the danger of the public peace or safety, and contrary to the tenor or intent of such proclamation, or other regulations which the President of the U. S. shall and may establish in the premises, to cause such alien or aliens to be duly apprehended and conveyed before such court, judge or justice; and after a full examination and hearing on such complaint, and sufficient cause therefor appearing, shall and may order such alien or aliens to be removed out of the territory of the U. S. or to give sureties.

of their good behaviour, or to be otherwise restrained, conformably to the proclamation or regulations which shall and may be established as aforesaid, and may imprison or otherwise secure such alien or aliens, until the order which shall and may be made, as aforesaid, shall be performed. *ibid.* § 2

3. It shall be the duty of the marshal of the district in which any alien enemy shall be apprehended, who by the President of the U. S. or by order of any court, judge, or justice, as aforesaid shall be required to depart, and to be removed as aforesaid, to provide therefor, and to execute such order, by himself or his deputy, or other discreet person or persons to be employed by him, by causing a removal of such alien out of the territory of the U. S. and for such removal, the marshal shall have the warrant of the President of the U. S. or of the court, judge; or justice ordering the same, as the case may be. *ibid.* § 3.



## Arms & Ammunition.

1. **I**T shall not be lawful to export from the U. S. any cannon, muskets, pistols, bayonets, swords, cutlasses, musket-balls, lead, bombs, grenados, gunpowder, sulphur or salt-petre, but the exportation of the said articles, is prohibited, until the end of the next session, June 14, 1797, c. 2, § 1. The 1, 2, 3, and 4 § of this act, are continued by April 7, 1798, c. 44, § 1. for 1 year, and to the end of the next session.

2. Any of the aforesaid articles, excepting such of them as may continue a part of the equipment of any vessel, which during the continuance of this prohibition shall be found on board of any vessel in any river, port, bay, or harbour within the U. S. put on board with an intent to be exported from the U. S. shall be forfeited, and in case the value thereof shall amount to 100 dollars, the vessel on board of which the same shall be seized, together with her tackle, apparel and furniture shall also be forfeited. But nothing in this act shall be construed to prohibit the removal or transportation of any of the articles aforesaid from one port to another within the U. S. in any vessel having a licence as a coasting vessel, the master, agent or owner of which shall have given bond with 1 or more sufficient sureties, to the collector of the district from which such vessel is about to depart, in a sum double the value of such vessel and of such of the said articles as may be laden on board of her, that the said articles shall be re-landed and delivered in some port of the U. S. Or to prevent the exportation of any of the above articles on public account under the direction of the President of the U. S. *ibid.* § 2.

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3. If any of the aforesaid articles shall, contrary to the prohibitions of this act, be exported from the U. S. the vessel in which the same shall have been exported, together with her tackle, apparel and furniture, shall be forfeited, and the captain or master of such vessel knowingly offending in the premises, shall be liable to indictment, and upon conviction shall forfeit and pay a sum not exceeding 1000 dollars, which shall be distributed in like manner as is herein-after provided as to other forfeitures incurred under this act. *ibid.* § 3.

4. It shall be the duty of the Custom-House Officers, and of all persons employed in the collection of the Revenue, to attend to the execution of this Law, and all forfeitures, and penalties incurred under it and not otherwise directed to be prosecuted and recovered, shall be sued for, prosecuted, adjudged and distributed in like manner as is provided in the Act, intituled, "An Act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandize imported into the U. S. and on the tonnage of ships and vessels." *ibid.* § 4.

5. All brass cannon, muskets and firelocks with bayonets suited to the same, pistols, swords, cutlasses, musket-balls, lead, and gunpowder, which shall be imported into the U. S. from any foreign country, within the term of 1 year, and all sulphur and salt-petre which shall be so imported within the term of 2 years from and after the passing of this Act, shall be free of duty. *ibid.* § 5. *This § except so much as relates to the importation of sulphur and salt-petre, is continued by April 7. 1798, c. 44, for 1 year after the 14th June next, and to the end of the next session thereafter; and so much as relates to the importation of sulphur and salt-petre is continued for 1 year after the 14th June 1800, and to the end of the next session thereafter.*



## Arsenals & Magazines.

1. **F**OR the safe-keeping of the military stores, there shall be established under the direction of the President of the U. S. 3 or 4 arsenals with magazines, as he shall judge most expedient, in such places as will best accommodate the different parts of the U. S. Either or both of the arsenals heretofore used at Springfield and Carlisle, to be continued as part of the said number, at his discretion: *Provided*, That none of the said arsenals be erected, until purchases of the land necessary for their accommodation be made with the consent of the legislature of the state, in which the same is intended to be erected. *April 2, 1794, c. 14, § 1.*

2. There shall be established, at each of the aforesaid arsenals, a national armoury, in which shall be employed one superintendent, and one master armourer (who shall be appointed by the



President of the U. S.) and as many workmen, as the Secretary for the department of War shall, from time to time, deem necessary, so that the whole number, at all the armouries, shall not exceed 100. And the said superintendants shall each receive, as a compensation, 70 dollars per month, and the said master armourers each 50 dollars per month. *ibid.* § 2.

3. There shall be employed an officer, whose duty it shall be (under the direction of the department of war) to superintend the receiving, safe-keeping and distribution of the military stores of the U. S. and to call to account all persons to whom the same may be entrusted; he shall receive for his compensation at the rate of 125 dollars per month, and shall be appointed by the President of the U. S. *ibid.* § 3.

4. A sum not exceeding 50,000 dollars shall be appropriated for the erecting and repairing of the arsenals and magazines aforesaid, and a sum not exceeding 22,865 dollars, for defraying the expense of the national armouries, for 1 year; and the further sum of 340,000 dollars, to be applied under the direction of the President of the U. S. in the purchase of arms, ammunition, and military stores. *ibid.* § 4.

5. An annual account of the expenses of the national armouries shall be laid before the legislature of the U. S. together with an account of the arms made and repaired therein. *ibid.* § 5.



## Arts promoted.

1. **W**HEN any person or persons being a citizen or citizens of the U. S. shall alledge that he or they have invented any new and useful art, machine, manufactory or composition of matter, or any new and useful improvement on any art, machine, manufacture or composition of matter, not known or used before the application, and shall present a petition to the Secretary of State, signifying a desire of obtaining an exclusive property in the same, and praying that a patent may be granted therefor, it shall and may be lawful for the said Secretary of State, to cause letters patent to be made out in the name of the U. S. bearing test by the President of the U. S. reciting the allegations and suggestions of the said petition, and giving a short description of the said invention or discovery, and thereupon granting to such petitioner, or petitioners, his, her or their heirs, administrators or assigns, for a term not exceeding 14 years, the full and exclusive right and liberty of making, constructing, using and vending to others to be used, the said invention or discovery, which letters patent shall be delivered to the Attorney General of the U. S. to be examined; who, within 15 days after such delivery, if he finds the same conformable to this act,

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shall certify accordingly at the foot thereof, and return the same to the Secretary of State, who shall present the letters patent thus certified, to be signed, and shall cause the seal of the U. S. to be thereto affixed : and the same shall be good and available to the grantee, or grantees, by force of this act, and shall be recorded in a book, to be kept for that purpose, in the office of the Secretary of State, and delivered to the patentee or his order. *Feb. 21, 1793, c. 11, § 1.*

2. Any person, who shall have discovered an improvement in the principle of any machine, or in the process of any composition of matter, which shall have been patented, and shall have obtained a patent for such improvement, he shall not be at liberty to make, use or vend the original discovery, nor shall the first inventor be at liberty to use the improvement : And it is hereby enacted & declared, that simply changing the form or the proportions of any machine or composition of matter, in any degree, shall not be deemed a discovery. *ibid. § 2.*

3. Every inventor, before he can receive a patent, shall swear or affirm, that he does verily believe, that he is the true inventor or discoverer of the art, machine or improvement, for which he solicits a patent, which oath or affirmation may be made before any person authorized to administer oaths, and shall deliver a written description of his invention, and of the manner of using, or process of compounding the same, in such full, clear and exact terms, as to distinguish the same from all other things before known, and to enable any person skilled in the art or science, of which it is a branch, or with which it is most nearly connected, to make, compound, and use the same. And in the case of any machine, he shall fully explain the principle and the several modes, in which he has contemplated the application of that principle or character, by which it may be distinguished from other inventions ; and he shall accompany the whole with drawings and written references, where the nature of the case admits of drawings, or with specimens of the ingredients, and of the composition of matter, sufficient in quantity for the purpose of experiment, where the invention is of a composition of matter ; which description, signed by himself, and attested by 2 witnesses, shall be filed in the office of the Secretary of State, and certified copies thereof shall be competent evidence, in all courts, where any matter or thing, touching such patent-right, shall come in question. And such inventor shall, moreover, deliver a model of his machine, provided the Secretary shall deem such model to be necessary. *ibid. § 3.*

4. It shall be lawful for any inventor, his executor or administrator, to assign the title and interest in the said invention, at any time, and the assignee having recorded the said assignment, in the office of the Secretary of State, shall thereafter stand in the place of the original inventor, both as to right and responsibility, and so the assignees of assigns, to any degree. *ibid. § 4.*



5. If any person shall make, devise and use, or sell the thing so invented, the exclusive right of which shall, as aforesaid, have been secured to any person by patent, without the consent of the patentee, his executors, administrators or assigns, first obtained in writing, every person so offending, shall forfeit and pay to the patentee, a sum, that shall be at least equal to 3 times the price, for which the patentee has usually sold or licenced to other persons, the use of the said invention; which may be recovered in an action on the case founded on this act, in the circuit court of the U. S. or any other court having competent jurisdiction. *ibid.* § 5.

6. The defendant in such action shall be permitted to plead the general issue, and give this act and any special matter, of which notice in writing may have been given to the plaintiff or his attorney, 30 days before trial, in evidence, tending to prove, that the specification, filed by the plaintiff, does not contain the whole truth relative to his discovery, or that it contains more than is necessary to produce the described effect, which concealment or addition shall fully appear to have been made, for the purpose of deceiving the public, or that the thing, thus secured by patent, was not originally discovered by the patentee, but had been in use, or had been described in some public work, anterior to the supposed discovery of the patentee, or that he had surreptitiously obtained a patent for the discovery of another person: in either of which cases, judgment shall be rendered for the defendant, with costs, and the patent shall be declared void. *ibid.* § 6.

7. Where any state before its adoption of the present form of government, shall have granted an exclusive right to any invention the party claiming that right, shall not be capable of obtaining an exclusive right under this act, but on relinquishing his right under such particular state, and of such relinquishment, his obtaining an exclusive right under this act shall be sufficient evidence. *ibid.* § 7.

8. The persons, whose applications for patents, were, at the time of passing this act, depending before the Secretary of State, Secretary at War, and Attorney General, according to the act, passed the 2d session of the first Congress, intitled, "An act to promote the progress of useful arts," on complying with the conditions of this act, and paying the fees herein required, may pursue their respective claims to a patent under the same. *ibid.* § 8.

9. In case of interfering applications, the same shall be submitted to the arbitration of 3 persons, one of whom shall be chosen by each of the applicants, and the 3d person shall be appointed by the Secretary of State, and the decision or award of such arbitrators, delivered to the Secretary of State, in writing and subscribed by them, or any 2 of them, shall be final, as far as respects the granting of the patent: And if either of the applicants shall refuse or fail to choose an arbitrator, the patent shall issue to the opposite party. And where there shall be more than 2 interfer-

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ing applications, and the parties applying shall not all unite in appointing 3 arbitrators, it shall be in the power of the Secretary of State, to appoint 3 arbitrators for the purpose. *ibid.* § 9.

10. Upon oath or affirmation being made, before the judge of the district court, where the patentee, his executors, administrators or assigns reside, that any patent, which shall be issued in pursuance of this act, was obtained surreptitiously, or upon false suggestion, and motion made to the said court, within 3 years after issuing the said patent, but not afterwards, it shall and may be lawful for the judge of the said district court, if the matter alleged shall appear to him to be sufficient, to grant a rule, that the patentee, or his executor, administrator or assign, shew cause why process should not issue against him to repeal such patent. And if sufficient cause shall not be shewn to the contrary, the rule shall be made absolute, and thereupon the said judge shall order process to be issued against such patentee, or his executors, administrators or assigns, with costs of suit. And in case, no sufficient cause shall be shewn to the contrary, or if it shall appear, that the patentee was not the true inventor or discoverer, judgment shall be rendered by such court for the repeal of such patent; and if the party, at whose complaint the process issued, shall have judgment given against him, he shall pay all such costs, as the defendant shall be put to, in defending the suit, to be taxed by the court and recovered in due course of law. *ibid.* § 10,

11. Every inventor, before he presents his petition to the Secretary of State, signifying his desire of obtaining a patent, shall pay into the Treasury 30 dollars, for which he shall take duplicate receipts; one of which receipts he shall deliver to the Secretary of State, when he presents his petition: and the money, thus paid, shall be in full for the sundry services, to be performed in the office of the Secretary of State, consequent on such petition, and shall pass to the account of clerk hire in that office. *Provided*, That for every copy, which may be required at the said office, of any paper respecting any patent, that has been granted, the person obtaining such copy, shall pay at the rate of 20 cents for every copy-sheet of 100 words, and for every copy of a drawing, the party obtaining the same, shall pay 2 dollars; of which payments, an account shall be rendered, annually, to the Treasury of the U. S. and they shall also pass to the account of clerk-hire, in the office of the Secretary of State. *ibid.* § 11.

12. The act, passed the 10th day of April, in the year 1790, intitled; "An act to promote the progress of useful arts." is hereby repealed. *Provided always*, That nothing, contained in this act, shall be construed to invalidate any patent, that may have been granted under the authority of the said act; and all patentees under the said act, their executors, administrators and assigns, shall be considered within the purview of this act, in respect to the violation of their rights: *Provided*, such violations shall be committed, after the passing of this act. *ibid.* § 12.

13. All suits, actions, process and proceedings, heretofore had in any district-court of the U. S. under an act passed the 10th day of April, in the year 1790, intituled, "An act to promote the progress of useful arts," which may have been set aside, suspended or abated, by reason of the repeal of the said act, may be restored, at the instance of the plaintiff or defendant, within 1 year from and after the passing of this act, in the said courts, to the same situation, in which they may have been, when they were so set aside, suspended or abated; and the parties to the said suits, actions, process or proceedings, are hereby entitled to proceed in such cases, as if no such repeal of the act aforesaid had taken place. *Provided*, that before any order or proceeding, other than that for continuing the same suits, after the reinstatement thereof, shall be entered or had, the defendant or plaintiff, as the case may be, against whom the same may have been reinstated, shall be brought into court by summons, attachment or such other proceeding, as is used in other cases for compelling the appearance of a party. *June 7. 1794. c. 53.*



## Bank of the United States.

1. A BANK of the U. S. shall be established; the capital stock whereof shall not exceed ten millions of dollars, divided into 25,000 shares, each share being 400 dollars: and subscriptions, towards constituting the said stock, shall, on the 1 Monday of April next, be opened at the city of Philadelphia, under the superintendence of such persons, not less than 3, as shall be appointed for that purpose by the President of the U. S. (who is hereby empowered to appoint the said persons accordingly) which subscriptions shall continue open, until the whole of the said stock shall have been subscribed. *Feb. 25, 1791. c. 10. § 1.*

2. It shall be lawful for any person, co-partnership, or body politic, to subscribe for such or so many shares, as he, she, or they shall think fit, not exceeding 1000, except as shall be hereafter directed relatively to the U. S. and the sums, respectively subscribed, except on behalf of the U. S. shall be payable one fourth in gold and silver, and three fourths in that part of the public debt, which, according to the loan proposed in the 4th and 16th §'s of the act, intituled, "An act making provision for the debt of the U. S." shall bear an accruing interest, at the time of payment, of 6 per centum per annum, and shall also be payable in four equal parts, in the aforesaid ratio of specie to debt, at the distance of 6 calendar months from each other; the first whereof shall be paid at the time of subscription. *ibid. § 2.*

3. All those who shall become subscribers to the said bank, their successors and assigns, are hereby created and made a cor-

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poration and body politic, by the name and stile of *The President, Directors and Company of the Bank of the United States*; and shall so continue, until the 4th day of March, 1811; And by that name, are hereby made able and capable in law, to have, purchase, receive, possess, enjoy, and retain to them and their successors, lands, rents, tenements, hereditaments, goods, chattels and effects of what kind, nature or quality soever, to an amount not exceeding in the whole fifteen millions of dollars, including the amount of the capital stock aforesaid; and the same to sell, grant, demise, alienate or dispose of; to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in courts of record, or any other place whatsoever: And also to make, have, and use a common seal, and the same to break, alter and renew, at their pleasure; and also to ordain, establish, and put in execution, such bye-laws, ordinances and regulations, as shall seem necessary & convenient for the government of the said corporation, not being contrary to law, or to the constitution thereof (for which purpose, general meetings of the stockholders may be called by the directors, and in the manner herein after specified) and generally to do and execute all and singular acts, matters and things, which to them it shall or may appertain to do; subject nevertheless to the rules, regulations, restrictions, limitations and provisions hereinafter prescribed and declared. *ibid.* § 3.

4. For the well ordering of the affairs of the said corporation, there shall be 25 directors; of whom there shall be an election on the first Monday of Jan. in each year, by the stockholders or proprietors of the capital stock of the said corporation, and by plurality of the votes actually given; and those who shall be duly chosen at any election, shall be capable of serving as directors, by virtue of such choice, until the end or expiration of the Monday of Jan. next ensuing the time of such election, and no longer. And the said directors, at their first meeting after each election, shall choose one of their number as President. *ibid.* § 4.

5. As soon as the sum of 400,000 dollars, in gold and silver, shall have been actually received on account of the subscriptions to the said stock, notice thereof shall be given, by the persons under whose superintendence the same shall have been made, in at least two public gazettes printed in the city of Philadelphia; and the said persons shall, at the same time in like manner, notify a time and place within the said city, at the distance of 90 days from the time of such notification, for proceeding to the election of directors; and it shall be lawful for such election to be then and there made; and the persons, who shall then and there be chosen, shall be the first directors, and shall be capable of serving, by virtue of such choice, until the end or expiration of the Monday in Jan. next ensuing the time of making the same, and shall forthwith thereafter commence the operations of the said bank, at the said city of Philadelphia. And in case it should at any time happen, that an election of directors should not be made upon any day when pursuant to

this act it ought to have been made, the said corporation shall not for that cause, be deemed to be dissolved ; but it shall be lawful, on any other day, to hold and make an election of directors in such manner as shall have been regulated by the laws and ordinances of the said corporation. And in case of the death, resignation, absence from the U. S. or removal of a director by the stockholders, his place may be filled up, by a new choice, for the remainder of the year. *ibid.* § 5.

6. The directors for the time being, shall have power to appoint such officers, clerks, and servants under them, as shall be necessary for executing the business of the said corporation, and to allow them such compensation, for their services respectively, as shall be reasonable ; and shall be capable of exercising such other powers and authorities, for the well governing and ordering of the affairs of the said corporation, as shall be described, fixed, and determined by the laws, regulations, and ordinances of the same. *ibid.* § 6.

7. The following rules, restrictions, limitations and provisions, shall form and be fundamental articles of the constitution of the said corporation, viz.

I. The number of votes to which each stockholder shall be entitled, shall be according to the number of shares he shall hold, in the proportions following : That is to say, for 1 share, and not more than 2 shares, 1 vote : For every 2 shares above 2, and not exceeding 10, 1 vote : For every 4 shares above 10, and not exceeding 30, 1 vote : For every 6 shares above 30, and not exceeding 60, 1 vote : For every 8 shares above 60, and not exceeding 100, 1 vote ; And for every 10 shares above 100, 1 vote : But no person, co-partnership, or body politic shall be entitled to a greater number than 30 votes. And after the 1st election, no share or shares shall confer a right of suffrage, which shall not have been holden 3 calendar months previous to the day of election. Stockholders actually resident within the U. S. and none other, may vote in elections by proxy.

II. Not more than three fourths of the directors in office, exclusive of the President, shall be eligible for the next succeeding year : But the director, who shall be president, at the time of an election, may always be re-elected.

III. None but a stockholder, being a citizen of the U. S. shall be eligible as a director.

IV. No director shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at a general meeting. The stockholders shall make such compensation to the president, for his extraordinary attendance at the bank, as shall appear to them reasonable.

V. Not less than 7 directors shall constitute a board for the transaction of business, of whom the president shall always be 1, except in case of sickness, or necessary absence : in which case his place may be supplied by any other director, whom he, by writing under his hand, shall nominate for the purpose.

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VI. A number of stockholders, not less than 60, who, together shall be proprietors of 200 shares or upwards, shall have power at any time to call a general meeting of the stockholders, for purposes relative to the institution, giving at least 10 weeks notice, in 2 public gazettes of the place where the bank is kept, and specifying, in such notice, the object or objects of such meeting.

VII. Every cashier or treasurer, before he enters upon the duties of his office, shall be required to give bond, with two or more sureties, to the satisfaction of the directors, in a sum not less than 50,000 dollars, with conditions for his good behaviour.

VIII. The lands, tenements and hereditaments which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for its immediate accommodation in relation to the convenient transacting of its business, and such as shall have been *bona fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

IX. The total amount of the debts, which the said corporation shall at any time owe, whether by bond, bill, note, or other contract, shall not exceed the sum of ten millions of dollars, over and above the monies then actually deposited in the bank for safe keeping, unless the contracting of any greater debt shall have been previously authorized by a law of the U. S. In case of excess, the directors, under whose administration it shall happen, shall be liable for the same, in their natural and private capacities; and an action of debt, may in such case, be brought against them, or any of them, their or any of their heirs, executors or administrators, in any court of record of the U. S. or of either of them, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution; any condition, covenant, or agreement to the contrary notwithstanding. But this shall not be construed to exempt the said corporation, or the lands, tenements, goods or chattles of the same, from being also liable for and chargeable with the said excess. Such of the said directors, who may have been absent when the said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was so contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent, to the President of the U. S. and to the stockholders, at a general meeting, which they shall have power to call for that purpose.

X. The said corporation may sell any part of the public debt whereof its stock shall be composed, but shall not be at liberty to purchase any public debt whatsoever; nor shall directly or indirectly deal or trade in any thing, except bills of exchange, gold or silver bullion, or in the sale of goods really and truly pledged for money lent and not redeemed in due time; or of goods which shall be the produce of its lands. Neither shall the said corporati-

on take more than at the rate of 6 per centum per annum, for or upon its loans or discounts.

XI. No loan shall be made by the said corporation, for the use or on account of the government of the U. S. to an amount exceeding 100,000 dollars, or of any particular state, to an amount exceeding 50,000 dollars, or of any foreign prince or state, unless previously authorized by a law of the U. S.

XII. The stock of the said corporation shall be assignable and transferable, according to such rules as shall be instituted in that behalf, by the laws and ordinances of the same.

XIII. The bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by indorsement thereupon, under the hand or hands of such person or persons, and of his, her, or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in each and every assignee or assignees successively, and to enable such assignee or assignees to bring and maintain an action thereupon in his, her, or their own name or names. And bills or notes, which may be issued by order of the said corporation, signed by the president, and countersigned by the principal cashier or treasurer thereof, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in the like manner, and with the like force and effect, as upon any private person or persons, if issued by him or them, in his, her, or their private or natural capacity or capacities; and shall be assignable and negotiable, in like manner, as if they were so issued by such private person or persons; that is to say, those which shall be payable to any person or persons, his, her, or their order, shall be assignable by indorsement, in like manner, and with the like effect, as foreign bills of exchange now are; and those which are payable to bearer, shall be negotiable and assignable by delivery only.

XIV. Half yearly dividends shall be made of so much of the profits of the bank, as shall appear to the directors adviseable; and once in every 3 years, the directors shall lay before the stockholders, at a general meeting, for their information, an exact and particular statement of the debts, which shall have remained unpaid after the expiration of the original credit, for a period of treble the term of that credit; and of the surplus of profit, if any, after deducting losses and dividends. If there shall be a failure in the payment of any part of any sum, subscribed by any person, co-partnership, or body politic, the party failing shall lose the benefit of any dividend, which may have accrued, prior to the time for making such payment, and during the delay of the same.

XV. It shall be lawful for the directors aforesaid, to establish offices wheresoever they shall think fit, within the U. S. for the purposes of discount and deposit only, and upon the same terms, and in the same manner, as shall be practised at the bank; and to commit the management of the said offices, and the making of the

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said discounts, to such persons, under such agreements, and subject to such regulations as they shall deem proper; not being contrary to law, or to the constitution of the bank.

XVI. The officer at the head of the treasury department of the U. S. shall be furnished, from time to time, as often as he may require, not exceeding once a week, with statements of the amount of the capital stock of the said corporation, and of the debts due to the same; of the monies deposited therein; of the notes in circulation, and of the cash in hand; and shall have a right to inspect such general accounts in the books of the bank, as shall relate to the said statements: *Provided*, That this shall not be construed to imply a right of inspecting the account of any private individual or individuals with the bank. *ibid.* § 7.

8. If the said corporation, or any person or persons for or to the use of the same, shall deal or trade in buying or selling any goods, wares, merchandize, or commodities whatsoever, contrary to the provisions of this act, all and every person and persons by whom any order or direction for so dealing or trading shall have been given, and all and every person and persons who shall have been concerned as parties or agents therein, shall forfeit and lose treble the value of the goods, wares, merchandizes, and commodities, in which such dealing and trade shall have been; one half thereof to the use of the informer, and the other half to the use of the U. S. to be recovered with costs of suit. *ibid.* § 8.

9. If the said corporation shall advance or lend any sum, for the use or on account of the government of the U. S. to an amount exceeding 100,000 dollars; or of any particular state to an amount exceeding 50,000 dollars; or of any foreign prince or state, (unless previously authorized thereto by a law of the U. S.) all and every person and persons, by and with whose order, agreement, consent, approbation, or connivance, such unlawful advance or loan, shall have been made, upon conviction thereof, shall forfeit and pay for every such offence, treble the value or amount of the sum or sums which shall have been so unlawfully advanced or lent; one fifth thereof to the use of the informer, and the residue to the use of the U. S. to be disposed of by law and not otherwise. *ibid.* § 9.

10. The bills or notes of the said corporation, originally made payable or which shall have become payable on demand, in gold and silver coin, shall be receivable in all payments to the U. S. *ibid.* § 10

11. It shall be lawful for the President of the U. S. at any time or times, within 18 months after the first day of April next to cause a subscription to be made to the stock of the said corporation, as part of the aforesaid capital stock of ten millions of dollars, on behalf of the U. S. to an amount not exceeding two millions of dollars; to be paid out of the monies which shall be borrowed by virtue of either of the acts, the one entitled, "An act making provision for the debt of the U. S." and the other entitled, "An act making provision for the reduction of the public



debt;” borrowing of the bank an equal sum, to be applied to the purposes, for which the said monies shall have been procured; reimbursable in 10 years, by equal annual installments; or at any time sooner, or in any greater proportions, that the government may think fit. *ibid.* § 11.

12. No other bank shall be established by any future law of the U. S. during the continuance of the corporation hereby created; for which the faith of the U. S. is hereby pledged. *ibid.* § 12.

13. The subscriptions to the stock of the bank of the U. S. as provided by the act, intituled, “An act to incorporate the subscribers to the bank of the U. S.” shall not be opened until the first Monday in July next. *March 2. 1791. c. 11. § 1.*

14. So much of the first payment as by the said act is directed to be in the 6 per cent. certificates of the U. S. may be deferred until the 1st Monday in Jan. next. *ibid.* § 2.

15. No person, corporation, or body politic, except in behalf of the U. S. shall, for the space of 3 months after the said 1st Monday in July next, subscribe in any 1 day for more than 30 shares. *ibid.* § 3.

16. Every subscriber shall, at the time of subscribing, pay into the hands of the persons who shall be appointed to receive the same, the specie proportion required by the said act to be then paid. And if any such subscriber shall fail to make any of the future payments, he shall forfeit the sum so by him first paid, for the use of the corporation. *ibid.* § 4.

17. Such part of the public debt, including the assumed debt, as is funded at an interest of 3 per cent. may be paid to the bank, in like manner with the debt funded at 6 per cent. computing the value of the former at one half the value of the latter, and reserving to the subscribers who shall have paid 3 per cent. stock, the privilege of redeeming the same with 6 per cent. stock, at the above rate of computation, at any time before the 1st day of Jan. 1793; unless the 3 per cent. stock shall have been previously disposed of by the directors. *ibid.* § 5.

18. The bank of the U. S. may lend the sum of 800,000 dollars to the U.S. and the President of the U. S. shall cause so much of the loan, made of the said bank, pursuant to the 11th §. of the act, by which it is incorporated, to be paid off in sums not less than 50,000 dollars, as, in his opinion the state of the treasury may, from time to time admit, out of any monies in the treasury, having due regard to the exigencies of government, and the appropriations made and to be made by law. Feb. 28. 1793. c. 18. § 3.

19. The President of the U.S. is authorized to apply 200,000 dollars of the monies borrowed in pursuance of the 4th § of the act making provision for the reduction of the public debt, in the payment of the first instalment, due to the bank of the U. S. upon a loan made of the said bank, in pursuance of the 11 § of the act for incorporating the subscribers to the said bank. *March 2. 1793. c. 25.*

20. The bank is authorised to loan to the U. S. 1,000,000 of dollars at interest not exceeding 5 per cent per annum. *March 20. 1794. c. 8.*

21. The President of the U. S. is authorised and empowered to apply 200,000 dollars of the proceeds of foreign loans heretofore transferred to the U. S. in payment of the second instalment due to the bank of the U. S. upon a loan of the said bank, made pursuant to the 11th § of the act for incorporating the subscribers to the said bank : And the annual period for the payment of each instalment of the said loan, shall be deemed to be the last day of Dec. in each year. *June 4, 1794. c. 40. § 1.*

22. A sufficient sum of the dividends, which have accrued, or which shall hereafter accrue, on the stock owned by the U. S. in the bank of the U. S. is hereby appropriated to the payment of the interest, which has, or shall become due, on the loan obtained as aforesaid. *ibid. § 2.*

23. The bank is authorised to loan to the U. S. any sum not exceeding one million of dollars. *June 9, 1794. c. 113. § 2.*

24. The bank is authorised to loan to the U. S. a sum not exceeding two millions of dollars. *Dec. 18, 1794. c. 69.*

25. The President of the U. S. is authorised to cause the third instalment due on a loan made of the bank of the U. S. in pursuance of the 11th § of the act for incorporating the subscribers to the said bank, to be paid out of the proceeds of any foreign loans heretofore made. *Jan. 8, 1795. c. 76.*

26. The bank is authorised to lend to the U. S. the whole or any part of the sum of 800,000 dollars. *Feb. 21, 1795. c. 90, § 1.*

27. —Is authorised to lend a sum not exceeding 1,469,439 dollars, 29 cents. *March 3, 1795, c. 111. § 6.*

28. —Is authorised to lend a sum not exceeding 324, 539 dollars, 6 cents. *May 30, 1796, c. 41. § 5.*

29. —Authorised to lend five millions of dollars, and to sell the stock received for such loan. *May 31, 1796, c. 44, § 1.*

30. —Authorised to lend 650,000 dollars. *June 1, 1796, c. 51, § 3.*

30. —Authorised to lend 800,000 dollars. *July 6, 1797, c. 11.*

31. If any person shall falsely make, alter, forge or counterfeit, or cause or procure to be falsely made, altered, forged or counterfeited, or willingly aid or assist in falsely making, altering, forging or counterfeiting any bill or note issued by order of the president, directors and company of the bank of the U. S. and signed by the president, and countersigned by the cashier thereof, or any order or check on the said cashier or corporation, for the payment of money, with intention to defraud the said corporation, or any other body politic or person, or shall utter or publish, as true, any false, altered, forged or counterfeited bill or note issued by order of the president, directors and company of the bank of the U. S. and signed by the president, and countersigned by the cashier thereof, or any order or check on the said cashier or corporation, for the payment of money, with intention to de-



fraud the said corporation, or any other body politic or person, knowing the same to be falsely altered, forged or counterfeited; every such person shall be deemed and adjudged guilty of felony, and being thereof convicted, according to the due course of law, shall be sentenced to be imprisoned and kept at hard labour for a period not less than three years, nor more than ten years, or shall be imprisoned not exceeding ten years, and fined not exceeding 5000 dollars: But nothing herein contained shall be construed to deprive the courts of the individual states of a jurisdiction under the laws of the several states over the offences declared punishable by this act. *June 27, 1798, c. 78.*

32. The bank is authorized to lend to the U. S. a sum not exceeding five million of dollars. *July 16, 1798, c. 96.*

33. —authorized to lend to the U. S. two millions of dollars, upon the credit and in anticipation of the direct tax. *July 16, 1798, c. 101, § 2.*

34. —authorized to lend to the U. S. two millions of dollars, if the President shall deem it necessary. *March 2, 1799, c. 137, § 9.*



## Coasting Trade.

1. SHIPS or Vessels, enrolled by virtue of "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," and those of 20 tons and upwards, which shall be enrolled after the last day of May next, in pursuance of this act; and having a licence in force, or if less than 20 tons, not being enrolled shall have a licence in force, as is hereinafter required, and no others, shall be deemed ships or vessels of the U. S. entitled to the privileges of ships or vessels employed in the coasting trade or fisheries. *Feb. 18, 1793, c. 8, § 1.*

2. After the last day of May next, in order for the enrolment of any ship or vessel, she shall possess the same qualifications, and the same requisites, in all respects, shall be complied with, as are made necessary for registering ships or vessels, by the act, intituled, "An act concerning the registering and recording of ships or vessels," and the same duties and authorities are hereby given and imposed on all officers, respectively, in relation to such enrolments, and the same proceedings shall be had, in similar cases, touching such enrolments; and the ships or vessels so enrolled, with the master, or owner or owners thereof, shall be subject to the same requisites, as are in those respects provided for vessels registered by virtue of the aforesaid act; the record of which enrolment shall be made, and an abstract or copy thereof granted, as nearly as may be, in the form following: "Enrolment in conformity to an act of the congress of the United States of America, intituled, "An act for enrolling and licensing ships or vessels, to be employed

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in the coasting trade and fisheries, and for regulating the same” [inserting here the name of the person with his occupation and place of abode, by whom the oath or affirmation is to be made] having taken and subscribed the oath (or affirmation) required by this act, & having sworn (or affirmed) that he (or she, & if more than one owner, adding the words “together with,” & the name or names, occupation or occupations, place or places of abode, of the owner or owners) is, (or are) a citizen (or citizens) of the United States, and sole owner (or owners) of the ship or vessel, called the [inserting here her name] of [inserting here the name of the port, to which she may belong] whereof [inserting here the name of the master] is at present master, and is a citizen of the United States, and that the said ship or vessel was [inserting here when and where built] and [inserting here, the name and office, if any, of the person, by whom she shall have been surveyed, or admeasured] having certified, that the said ship or vessel has [inserting here, the number of decks] and [inserting here the number of masts] and that her length is [inserting here, the number of feet] her breadth [inserting here, the number of feet] her depth [inserting here, the number of feet] and that she measures [inserting here, her number of tons] that she is [describing here, the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her built, and specifying, whether she has any or no gallery or head] and the said [naming the owner, or the master, or other person acting in behalf of the owner or owners, by whom the certificate of admeasurement shall have been countersigned] having agreed to the description and admeasurement above specified, and sufficient security having been given according to the said act, the said ship or vessel has been duly enrolled at the port of [naming the port where enrolled] given under my hand and seal, at [naming the said port] this [inserting the particular day] day of [naming the month] in the year, [specifying the number of the year, in words at length.]”  
*ibid.* § 2.

2. It shall and may be lawful for the collectors of the several districts to enrol and license any ship or vessel, that may be registered, upon such registry being given up, or to register any ship or vessel that may be enrolled, upon such enrolment and license being given up. And when any ship or vessel, shall be in any other district, than the one to which she belongs, the collector of such district, on the application of the master or commander thereof, and upon his taking an oath or affirmation, that, according to his best knowledge and belief, the property remains, as expressed in the register or enrolment proposed to be given up, and upon his giving the bonds required for granting registers, shall make the exchanges aforesaid; but in every such case, the collector, to whom the register, or enrolment and license may be given up, shall transmit the same to the register of the treasury; and the register, or enrolment and license, granted in lieu thereof, shall, with-

in 10 days after the arrival of such ship or vessel within the district to which she belongs, be delivered to the collector of the said district, and be by him cancelled. And if the said master or commander shall neglect to deliver the said register or enrolment & licence, within the time aforesaid, he shall forfeit 100 dollars. *ibid.* § 3.

4. In order to the licensing of any ship or vessel, for carrying on the coasting trade or fisheries, the husband, or managing owner, together with the master thereof, with one or more sureties to the satisfaction of the collector granting the same, shall become bound to pay to the U. S. if such ship or vessel be of the burden of 5 tons, and less than 20 tons, the sum of 100 dollars; and if 20 tons, and not exceeding 30 tons, the sum of 200 dollars; and if above 30 tons, and not exceeding 50 tons, the sum of 500 dollars; and if above 60 tons, the sum of 1000 dollars, in case it shall appear within 2 years from the date of the bond, that such ship or vessel has been employed in any trade whereby the revenue of the U. S. has been defrauded during the time, the licence granted to such ship or vessel remained in force; and the master of such ship or vessel shall also swear, or affirm, that he is a citizen of the U. S. and that such license shall not be used for any other vessel, or any other employment, than that, for which it is specially granted, or in any trade or business, whereby the revenue of the U. S. may be defrauded; & if such ship or vessel be less than 20 tons burthen, the husband or managing owner shall swear or affirm, that she is wholly the property of a citizen or citizens of the U. S. whereupon it shall be the duty of the collector of the district comprehending the port, whereto such ship or vessel may belong, (the duty of 6 cents per ton being first paid) to grant a licence, in the form following: "Licence for carrying on the [here insert, coasting trade, whale fishery, or cod fishery, as the case may be].

"In pursuance of an act of the Congress of the United States of America, intituled "An act for enrolling and licensing ships or vessels to be employed in the coasting trade and fisheries, and for regulating the same," (inserting here the name of the husband or managing owner, with his occupation and place of abode, and the name of the master, with the place of his abode) having given bond, that the (insert here, the description of the vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else she may be,) called the (insert here, the vessel's name) whereof the said (naming the master) is master, burthen (insert here, the number of tons, in words) tons, as appears by her enrolment, dated at (naming the district, day, month & year, in words at length (but if she be less than twenty tons, insert, instead thereof) proof being had of her admeasurement shall not be employed in any trade, while this licence shall continue in force, whereby the revenue of the U. S. shall be defrauded, and having also sworn (or affirmed) that this licence shall not be used for any other vessel, or for any other employment, than is herein specified, licence is hereby granted for the said (inserting here, the description of the vessel) called the (inserting here the vessel's name) to be employed in carrying on

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the (inserting here, coasting trade, whale fishery, or cod fishery, as the case may be) for one year from the date hereof, and no longer: given under my hand and seal, at (naming the said district) this (inserting the particular day) day of (naming the month) in the year (specifying the number of the year in words at length). *ibid.* § 4.

5. No licence, granted to any ship or vessel, shall be considered in force, any longer than such ship or vessel is owned, and of the description set forth in such licence, or for carrying on any other business or employment, than that for which she is specially licenced, and if any ship or vessel be found with a forged or altered licence, or making use of a licence granted for any other ship or vessel, such ship or vessel, with her tackle, apparel, and the cargo found on board her, shall be forfeited. *ibid.* § 5.

6. After the last day of May next, every ship or vessel of 20 tons, or upwards (other than such as are registered) found trading between district and district, or between different places in the same district, or carrying on the fishery, without being enrolled and licenced, or if less than 20 tons, and not less than 5 tons, without a licence, in manner as is provided by this act, such ship or vessel, if laden with goods, the growth or manufacture of the U. S. only (distilled spirits excepted) or in ballast, shall pay the same fees and tonnage in every port of the U. S. at which she may arrive, as ships or vessels not belonging to a citizen or citizens of the U. S. and if she have on board any articles of foreign growth or manufacture, or distilled spirits, other than sea-stores, the ship or vessel, together with her tackle, apparel and furniture, and the lading found on board, shall be forfeited: but if such ship or vessel be at sea, at the expiration of the time, for which the licence was given, and the master of such ship or vessel shall swear or affirm that such was the case, and shall also within 48 hours after his arrival deliver to the collector of the district in which he shall first arrive the licence which shall have expired, the forfeiture aforesaid shall not be incurred, nor shall the ship or vessel be liable to pay the fees and tonnage aforesaid. *ibid.* § 6.

7. The collector of each district shall progressively number the licences by him granted, beginning anew at the commencement of each year, and shall make a record thereof in a book, to be by him kept for that purpose, and shall, once in 3 months, transmit to the Register of the treasury, copies of the licences, which shall have been so granted by him; and also of such licences, as shall have been given up or returned to him, respectively, in pursuance of this act. And where any ship or vessel shall be licenced, or enrolled anew, or being licenced or enrolled, shall afterwards be registered, or being registered, shall afterwards be enrolled, or licenced, she shall, in every such case, be enrolled, licenced or registered by her former name. *ibid.* § 7.

8. If any ship or vessel, enrolled or licenced, as aforesaid, shall proceed on a foreign voyage, without first giving up her enrollment and licence, to the collector of the district comprehending



the port, from which she is about to proceed on such foreign voyage, and being duly registered by such collector, every such ship or vessel, together with her tackle, apparel and furniture, and the goods, wares and merchandize, so imported therein, shall be liable to seizure and forfeiture: *Provided*, if the port, from which such ship or vessel is about to proceed on such foreign voyage, be not within the district, where such ship or vessel is enrolled, the collector of such district shall give to the master of such ship or vessel a certificate, specifying that the enrolment and licence of such ship or vessel is received by him, and the time when it was so received; which certificate shall afterwards be delivered by the said master to the collector, who may have granted such enrolment and licence. *ibid.* § 8.

9. The licence, granted to any ship or vessel, shall be given up to the collector of the district, who may have granted the same within 3 days after the expiration of the time, for which it was granted, in case such ship or vessel be then within the district, or if she be absent, at that time, within 3 days from her first arrival within the district afterwards, or if she be sold out of the district within 3 days after the arrival of the master within any district to the collector of such district, taking his certificate therefor; and if the master thereof shall neglect or refuse to deliver up the licence, as aforesaid, he shall forfeit 50 dollars; but if such licence shall have been previously given up to the collector of any other district, as authorized by this act, and a certificate thereof under the hand of such collector, be produced by such master, or if such licence be lost, or destroyed, or unintentionally mislaid, so that it cannot be found, and the master of such ship or vessel shall make and subscribe an oath or affirmation, that such licence is lost, destroyed or unintentionally mislaid, as he verily believes, and that the same, if found, shall be delivered up, as is herein required, then the aforesaid penalty shall not be incurred. And if such licence shall be lost, destroyed or unintentionally mislaid, as aforesaid, before the expiration of the time, for which it was granted, upon the like oath or affirmation, being made and subscribed by the master of such ship or vessel, the said collector is hereby authorized and required, upon application being made therefor, to licence such ship or vessel anew. *ibid.* § 9.

10. It shall and may be lawful for the owner or owners of any licensed ship or vessel, to return such license to the collector who granted the same, at any time within the year, for which it was granted, who shall thereupon cancel the same, and shall licence such vessel anew, upon the application of the owner or owners, and upon the conditions herein before required, being complied with; and in case the term, for which the former licence was granted, shall not be expired, an abatement of the tonnage of 6 cents per ton shall be made, in the proportion of the time so unexpired. *ibid.* § 10.

11. Every licensed ship or vessel shall have her name, and the port to which she belongs, painted on her stern, in the manner

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23 is provided for registered ships or vessels, and if any licenced ship or vessel be found, without such painting, the owner or owners thereof shall pay 20 dollars. *ibid.* § 11.

12. When the master of any licenced ship or vessel, ferry boats excepted, shall be changed, the new master, or in case of his absence, the owner, or one of the owners thereof, shall report such change to the collector residing at the port where the same may happen, if there be one, otherwise, to the collector residing at any port, where such ship or vessel may next arrive, who, upon the oath or affirmation of such new master, or in case of his absence, of the owner or one of the owners, that he is a citizen of the U. S. and that such ship or vessel shall not, while such licence continues in force, be employed in any manner, whereby the revenue of the U. S. may be defrauded, shall endorse such change on the licence, with the name of the new master: and when any change shall happen, as aforesaid, and such change shall not be reported, and the endorsement made of such change, as is herein required, such ship or vessel, found carrying on the coasting trade or fisheries, shall be subject to pay the same fees and tonnage, as a vessel of the U. S. having a register, and the said new master shall forfeit and pay 10 dollars. *ibid.* § 12.

13. It shall be lawful, at all times, for any officer concerned in the collection of the revenue, to inspect the enrolment or licence of any ship or vessel; and if the master of any such ship or vessel shall not exhibit the same, when thereunto required by such officer, he shall pay 100 dollars. *ibid.* § 13.

14. The master or commander of every ship or vessel licenced for carrying on the coasting trade, destined from a district in one state, to a district in the same, or an adjoining state on the sea coast, or on a navigable river, having on board, either distilled spirits in casks exceeding 500 gallons, wine in casks exceeding 250 gallons, or in bottles exceeding 100 dozens, sugar in casks or boxes exceeding 3000 pounds, tea in chests or boxes exceeding 500 pounds, coffee in casks or bags exceeding 1000 pounds, or foreign merchandize in packages, as imported, exceeding in value 400 dollars, or goods, wares or merchandize, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value exceeds 800 dollars, shall, previous to the departure of such ship or vessel, from the port where she may then be, make out and subscribe duplicate manifests of the whole of such cargo on board such ship or vessel, specifying in such manifests, the marks and numbers of every cask, bag, box, chest or package containing the same, with the name and place of residence of every shipper and consignee, and the quantity shipped by and to each, and if there be a collector or surveyor, residing at such port, or within 5 miles thereof, he shall deliver such manifests to the collector, if there be one, otherwise to the surveyor, before whom he shall swear or affirm, to the best of his knowledge and belief, that the goods therein contained were legally imported, and the duties thereupon paid

or secured, or if spirits distilled within the U. S. that the duties thereupon have been paid or secured, whereupon the said collector or surveyor shall certify the same on the said manifests, one of which he shall return to the said master, with a permit, specifying thereon, generally, the lading on board such ship or vessel, and authorizing him to proceed to the port of his destination. And if any ship or vessel, being laden and destined, as aforesaid, shall depart from the port where she may then be, without the master or commander having first made out and subscribed duplicate manifests of the lading on board such ship or vessel, and in case there be a collector or surveyor residing at such port, or within 5 miles thereof, without having previously delivered the same to the said collector or surveyor, and obtaining a permit, in manner as is herein required, such master or commander shall pay 100 dollars *ibid.* § 14.

15. The master or commander of every ship or vessel licenced for carrying on the coasting trade, having on board either distilled spirits in casks, exceeding 500 gallons, wine in casks exceeding 250 gallons, or in bottles exceeding 100 dozens, sugar in casks or boxes exceeding 3000 pounds, tea in chests or boxes exceeding 500 pounds, coffee in casks or bags exceeding 1000 pounds, or foreign merchandize in packages, as imported, exceeding in value 400 dollars, or goods, wares or merchandize, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value exceeds 200 dollars, and arriving from a district in one state, at a district in the same or an adjoining state on the sea coast, or on a navigable river, shall, previous to the unlading of any part of the cargo of such ship or vessel, deliver to the collector, if there be one, or if not, to the surveyor residing at the port of her arrival, or if there be no collector or surveyor residing at such port, then to a collector or surveyor, if there be any such officer, residing within 5 miles thereof, the manifest of the cargo, certified by the collector or surveyor of the district from whence she sailed (if there be such manifest) otherwise the duplicate manifests thereof, as is herein before directed, to the truth of which, before such officer, he shall swear or affirm. And if there have been taken on board such ship or vessel, any other or more goods, than are contained in such manifest or manifests, since her departure from the port, from whence she first sailed, or if any goods have been since landed, the said master or commander shall make known and particularize the same to the said collector or surveyor, or if no such goods have been so taken on board or landed, he shall so declare, to the truth of which he shall swear or affirm: Whereupon, the said collector or surveyor shall grant a permit for unlading a part, or the whole of such cargo, as the said master or commander may request. And if there be no collector or surveyor, residing at, or within 5 miles of the said port of her arrival, the master or commander of such ship or vessel may proceed to dis-

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charge the lading from on board such ship or vessel, but shall deliver to the collector or surveyor, residing at the first port, where he may next afterwards arrive, and within 24 hours of his arrival, the manifest or manifests aforesaid, noting thereon the times when, and places where, the goods, therein mentioned, have been unladen, to the truth of which, before the said last mentioned collector or surveyor, he shall swear or affirm; and if the master or commander of any such ship or vessel, being laden as aforesaid, shall neglect or refuse to deliver the manifest or manifests, at the times, and in the manner herein directed, he shall pay 100 dollars. *ibid.* § 15.

16. The master or commander of every such ship or vessel, licensed for carrying on the coasting trade, and being destined from any district of the U. S. to a district other than a district in the same, or an adjoining state, on the sea-coast, or on a navigable river, shall, previous to her departure, deliver to the collector residing at the port where such ship or vessel may be, if there is one, otherwise to the collector of the district comprehending such port, or to a surveyor within the district, as the one or the other may reside nearest to the port at which such ship or vessel may be, duplicate manifests of the whole cargo on board such ship or vessel, or if there be no cargo on board, he shall so certify, and if there be any distilled spirits, or goods, wares and merchandize, of foreign growth or manufacture on board, other than what may, by the collector, be deemed sufficient for sea-stores, he shall specify in such manifests, the marks and numbers of every cask, bag, box, chest or package, containing the same, with the name and place of residence, of every shipper and consignee of such distilled spirits, or goods of foreign growth or manufacture, and the quantity shipped by, and to each, to be by him subscribed, and to the truth of which, he shall swear or affirm; and shall also swear or affirm before the said collector or surveyor, that such goods, wares, or merchandize, of foreign growth or manufacture, were to the best of his knowledge and belief, legally imported, and the duties thereupon, paid or secured; or if spirits distilled within the U. S. that the duties thereupon, have been duly paid or secured; upon the performance of which, and not before, the said collector or surveyor shall certify the same on the said manifests; one of which he shall return to the master, with a permit, thereto annexed, authorizing him to proceed to the port of his destination. And if any such ship or vessel shall depart from the port where she may then be, having distilled spirits, or goods, wares or merchandize, of foreign growth or manufacture on board, without the several things herein required, being complied with, the master thereof shall forfeit 100 dollars; or if the lading be of goods, the growth or manufacture of the U. S. only, or if such ship or vessel have no cargo, and she depart, without the several things herein required, being complied with, the said master shall forfeit and pay 50 dollars. *ibid.* § 16.

17. The master or commander of every ship or vessel, licenced to carry on the coasting trade, arriving at any district of the U. S. from any district, other than a district in the same, or an adjoining state on the sea-coast, or on a navigable river, shall deliver to the collector, residing at the port where she may arrive, if there be one, otherwise to the collector or surveyor in the district comprehending such port, as the one, or the other, may reside nearest thereto, if the collector or surveyor reside at a distance not exceeding 5 miles, within 24 hours, or if at a greater distance, within 48 hours next after his arrival; & previous to the unloading any of the goods brought in such ship or vessel, the manifest of the cargo (if there be any) certified by the collector or surveyor of the district from whence she last sailed, and shall make oath or affirmation, before the said collector or surveyor, that there was not, when he sailed from the district where his manifest was certified, or has been since, or then is, any more, or other, goods, wares or merchandize of foreign growth or manufacture, or distilled spirits (if there be any, other than sea-stores, on board such vessel) than is therein mentioned; and if there be no such goods, he shall so swear or affirm; and if there be no cargo on board, he shall produce the certificate of the collector or surveyor of the district from whence she last sailed, as aforesaid, that such is the case: Whereupon such collector or surveyor shall grant a permit for unloading the whole, or part of such cargo (if there be any) within his district, as the master may request; and where a part only of the goods, wares and merchandize, of foreign growth or manufacture, or of distilled spirits, brought in such ship or vessel, is intended to be landed, the said collector or surveyor shall make an endorsement of such part, on the back of the manifest, specifying the articles to be landed; and shall return such manifest to the master, endorsing also thereon, his permission for such ship or vessel, to proceed to the place of her destination; and if the master of such ship or vessel shall neglect or refuse to deliver the manifest, (or if she has no cargo, the certificate) within the time herein directed, he shall forfeit 100 dollars, and the goods, wares and merchandize of foreign growth or manufacture, or distilled spirits, found on board or landed from such ship or vessel, not being certified, as is herein required, shall be forfeited, and if the same shall amount to the value of 800 dollars, such ship or vessel, with her tackle, apparel and furniture, shall be also forfeited. *ibid.* § 17.

18. Nothing in this act contained shall be so construed, as to oblige the master or commander of any ship or vessel, licenced for carrying on the coasting trade, bound from a district in one state to a district in the same, or an adjoining state on the sea-coast, or on a navigable river, having on board goods, wares or merchandize, of the growth, product or manufactures of the U. S. only (except distilled spirits) or distilled spirits, not more than 500 gallons, wine in casks not more than 250 gallons, or in bottles not more than 100 dozens, sugar in casks or boxes not more than 3000 pounds, tea in chests or boxes not more than 500 pounds, coffee in casks or

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bags not more than 1000 pounds, or foreign merchandize in packages as imported, of not more value than 400 dollars, or goods, wares or merchandize, consisting of such enumerated or other articles of foreign growth or manufacture, or of both, whose aggregate value shall be not more than 800 dollars, to deliver a manifest thereof, or obtain a permit, previous to her departure, or on her arrival within such district, to make any report thereof; but such master shall be provided with a manifest, by him subscribed, of the lading, of what kind soever, which was on board such ship or vessel, at the time of his departure from the district from which she last sailed, and if the same, or any part of such lading consists of distilled spirits, or goods, wares or merchandize, of foreign growth or manufacture, with the marks and numbers of each cask, bag, box, chest or package, containing the same, with the name of the shipper and consignee of each; which manifest shall be by him exhibited, for the inspection of any officer of the revenue, when, by such officer, thereunto required; and shall also inform such officer, from whence such ship or vessel last sailed, and how long she has been in port, when by him so interrogated. And if the master of such ship or vessel shall not be provided, on his arrival within any such district, with a manifest, and exhibit the same, as is herein required, if the lading of such ship or vessel consist wholly of goods, the produce or manufacture of the U. S. (distilled spirits excepted) he shall forfeit 20 dollars, or if there be distilled spirits or goods, wares, or merchandize, of foreign growth or manufacture, on board, excepting what may be sufficient for sea-stores, he shall forfeit 40 dollars; or if he shall refuse to answer the interrogatories truly, as is herein required, he shall forfeit 100 dollars. And if any of the goods laded on board such ship or vessel, shall be of foreign growth or manufacture, or of spirits distilled within the U. S. so much of the same, as may be found on board such ship or vessel, and which shall not be included in the manifest exhibited by such master, shall be forfeited. *ibid.* 18.

19. It shall and may be lawful for the collector of the district of Pennsylvania, to grant permits for the transportation of goods wares or merchandize of foreign growth or manufacture, across the state of New-Jersey, to the district of New-York, or across the state of Delaware, to any district in the state of Maryland or Virginia; and for the collector of the district of New-York to grant like permits for the transportation across the state of New-Jersey; & for the collector of any district of Maryland or Virginia, to grant like permits for the transportation across the state of Delaware, to the district of Pennsylvania: *Provided*, That every such permit shall express the name of the owner, or person sending such goods, and of the person or persons, to whom such goods shall be consigned, with the marks, numbers and description of the packages, whether bale, box, chest, or otherwise, and the kind of goods contained therein, and the date, when granted; and the owner or



person sending such goods, shall swear or affirm, that they were legally imported, and the duties thereupon paid or secured: *And Provided also*, That the owner or consignee, of all such goods wares and merchandize, shall, within 24 hours after the arrival thereof, at the place to which they were permitted to be transported, report the same, to the collector of the district where they shall so arrive, and shall deliver up the permit accompanying the same, and if the owner or consignee aforesaid, shall neglect or refuse to make due entry of such goods within the time, & in the manner, herein directed, all such goods, wares and merchandize shall be subject to forfeiture, and if the permit granted shall not be given up, within the time limited for making the said report, the person or persons to whom it was granted, neglecting or refusing to deliver it up, shall forfeit 50 dollars for every 24 hours it shall be withheld afterwards: *Provided*, That where the goods, wares and merchandize, to be transported in manner aforesaid, shall be of less value than 800 dollars, the said oath and permit shall not be deemed necessary, nor shall the owner or consignee be obliged to make report to the collector of the district where the said goods, wares and merchandize shall arrive. *ibid.* § 19.

20. When any ship or vessel of the U. S. registered according to law, shall be employed in going from any one district in the U. S. to any other district, such ship or vessel, and the master or commander thereof, with the goods she may have on board, previous to her departure from the district, where she may be, and also, upon her arrival in any other district, shall be subject (except as to the payment of fees) to the same regulations, provisions, penalties and forfeitures, and the like duties are imposed on like officers, as is provided by the 16 and 17 §'s. of this act, for ships or vessels licenced for carrying on the coasting trade: But nothing herein contained, shall be construed to extend to registered ships or vessels of the U. S. having on board goods, wares and merchandize of foreign growth or manufacture, brought into the U. S. in such ship or vessel from a foreign port, and on which the duties have not been paid or secured, according to law. *ibid.* § 20.

21. When any ship or vessel, licenced for carrying on the fishery, shall be intended to touch and trade at any foreign port or place, it shall be the duty of the master, commander, or owner, to obtain permission for that purpose, from the collector of the district where such ship or vessel may be, previous to her departure, and the master or commander of every such ship or vessel, shall deliver like manifests, and make like entries, both of the ship or vessel, and of the goods, wares, or merchandize on board, within the same time, and under the same penalty, as by the laws of the U. S. are provided for ships or vessels of the U. S. arriving from a foreign port. And if any ship or vessel, licenced for carrying on the fisheries, shall be found within 3 leagues of the coast, with goods, wares, or merchandize of foreign growth or manufacture, exceeding the value of 500 dollars, without having such permission as is herein directed, such ship or vessel, together with the goods, wares, or

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merchandize of foreign growth or manufacture imported therein, shall be subject to seizure and forfeiture. *ibid.* § 21.

22. The master or commander of every ship or vessel, employed in the transportation of goods from district to district, that shall put into a port, other than the one to which she was bound, shall within 24 hours of his arrival, if there be an officer residing at such port, and she continue there so long, make report of his arrival, to such officer, with the name of the place he came from, and to which he is bound, with an account of his lading; and if the master of such ship or vessel shall neglect or refuse to do the same, he shall forfeit 20 dollars. *ibid.* § 22.

23. If the master or commander of any ship or vessel, employed in the transportation of goods from district to district, having on board goods, wares, or merchandize of foreign growth or manufacture, or distilled spirits, shall, on his arrival at the port to which he was destined, have lost or mislaid the certified manifest of the same, or the permit which was given therefor, by the collector or surveyor of the district from whence he sailed, the collector of the district where he shall so arrive, shall take bond for the payment of the duties on such goods, wares and merchandize of foreign growth or manufacture, or distilled spirits, within 6 months, in the same manner, as though they were imported from a foreign country: *Provided however*, such bond shall be cancelled, if the said master shall deliver, or cause to be delivered to the collector taking such bond, and within the term therein limited for payment, a certificate from the collector or surveyor of the district, from whence he sailed, that such goods were legally exported in such ship or vessel, from such district. *ibid.* § 23.

24. The master or commander of every foreign ship or vessel, bound from a district in the U. S. to any other district within the same, shall, in all cases, previous to her departure from such district, deliver to the collector of such district, duplicate manifests of the lading on board such ship or vessel, if there be any, or if there be none, he shall declare that such is the case, and to the truth of such manifests or declaration, he shall swear or affirm, and also obtain a permit, from the said collector, authorizing him to proceed to the place of his destination. And the master or commander of every such ship or vessel, on his arrival within any district, from any other district, shall, in all cases, within 48 hours after his arrival, and previous to the unlading any goods from on board such ship or vessel, deliver to the collector of the district where he may have arrived, a manifest of the goods laden on board such ship or vessel, if any there be, or if in ballast only, he shall so declare, and to the truth of which manifest or declaration, he shall swear or affirm; and also, that such manifest contains an account of all the goods, wares, and merchandize which were on board such ship or vessel, at the time, or have been, since her departure from the place, from whence she shall be reported last to have sailed; and he shall also deliver to such collector the permit which was given him

from the collector of the district from whence he sailed. And if the master or commander of any such ship or vessel, shall neglect or refuse complying with any of the requirements herein made, he shall forfeit 100 dollars: But nothing herein contained shall be construed as affecting the payment of tonnage, or any other requirements which such ships or vessels are now subject to by the present existing laws of the U. S. *ibid.* § 24.

25. In every case, where the collector is, by this act, directed to grant any enrolment, licence, certificate, permit or other document, the naval officer residing at the port (if there be one) shall sign the same, & every surveyor who shall certify a manifest, or grant a permit, or who shall receive any certified manifest, or a permit as is provided for in this act, shall make monthly returns thereof, or sooner, if it can conveniently be made, to the collector of the district where such surveyor may reside. *ibid.* § 25.

26. Before any ship or vessel, of the burthen of 5 tons, and less than 20 tons, shall be licenced, the same admeasurement shall be made of such ship or vessel, and the same provisions observed relative thereto, as are to be observed in case of admeasuring ships or vessels to be registered or enrolled; but in all cases, where such ship or vessel, or any other licenced ship or vessel, shall have been once admeasured, it shall not be necessary to measure such ship or vessel anew, for the purpose of obtaining another enrolment or licence, except such ship or vessel shall have undergone some alteration as to her burthen, subsequent to the time of her former licence. *ibid.* § 26.

27. It shall be lawful for any officer of the revenue to go on board of any ship or vessel, whether she shall be within or without his district, and the same to inspect, search and examine, and if it shall appear, that any breach of the laws of the U. S. has been committed, whereby such ship or vessel, or the goods, wares and merchandize on board, or any part thereof, is, or are liable to forfeiture, to make seizure of the same. *ibid.* § 27.

28. In every case, where a forfeiture of any ship or vessel, or of any goods, wares or merchandize, shall accrue, it shall be the duty of the collector, or other proper officer, who shall give notice of the seizure of such ship or vessel, or of such goods, wares or merchandize, to insert in the same advertisement, the name or names, and the place or places of residence, of the person or persons, to whom any such ship or vessel, goods, wares and merchandize, belonged, or were consigned, at the time of such seizure, if the same shall be known to him. *ibid.* § 28.

29. Every collector, who shall knowingly make any record of enrolment or licence of any ship or vessel, and every other officer, or person, appointed by, or under them, who shall make any record, or grant any certificate, or other document whatever, contrary to the true intent and meaning of this act, or shall take any other, or greater fees, than are by this act, allowed, or shall receive, for any service performed, pursuant to this act, any reward or gratuity, and every surveyor, or other person appointed

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to measure ships or vessels, who shall wilfully deliver to any collector or naval officer, a false description of any ship or vessel, to be enrolled or licenced, in pursuance of this act, shall, upon conviction of any such neglect or offence, forfeit to the U. S. 500 dollars, and be rendered incapable of serving in any office of trust or profit, under the U. S. And if any person, authorized and required by this act, in respect to his office, to perform any act or thing required by this act, shall wilfully neglect or refuse to do and perform the same, according to the true intent and meaning of this act, such person, on being duly convicted thereof, if not hereby subject to the penalty and disqualifications aforesaid, shall forfeit and pay 500 dollars for the first offence, and a like sum for the second offence, and shall from thence forward, be rendered incapable of holding any office of trust or profit under the U. S. *ibid.* § 29.

30. If any person or persons, shall swear or affirm to any of the matters, herein required to be verified, knowing the same to be false, such person or persons shall suffer the like pains and penalties as shall be incurred by persons committing wilful and corrupt perjury, And if any person or persons shall forge, counterfeit, erase, alter or falsify any enrolment, licence, certificate, permit, or other document, mentioned or required in this act, to be granted by any officer of the revenue, such person or persons, so offending, shall forfeit 500 dollars. *ibid.* § 30.

31. If any person or persons shall assault, resist, obstruct, or hinder any officer in the execution of this act, or of any other act or law of the U. S. herein mentioned, or of any of the powers or authorities vested in him by this act, or any other act or law, as aforesaid, all and every person and persons so offending, shall, for every such offence, for which no other penalty is particularly provided, forfeit 500 dollars. *ibid.* § 31.

32. If any licenced ship or vessel shall be transferred in whole, or in part, to any person, who is not, at the time of such transfer, a citizen of, & resident within the U. S. or if any such ship or vessel, shall be employed in any other trade than that for which she is licenced, or shall be found with a forged or altered licence, or one granted for any other ship or vessel, every such ship or vessel, with her tackle, apparel and furniture, and the cargo found on board her, shall be forfeited. *ibid.* § 32.

33. In all cases where the whole or any part of the lading, or cargo on board, any ship or vessel, shall belong bona fide to any person or persons other than the master, owner, or mariners, of such ship or vessel, and upon which the duties shall have been previously paid or secured, according to law, shall be exempted from any forfeiture under this act. *ibid.* § 33.

34. The fees and allowances for the several duties and services, to be performed, in virtue of this act, shall be as follow ; that is to say :

For admeasuring every ship or vessel, in order to the enrolment, or licencing and recording the same, if of the burthen of 5

tons, and less than 20 tons, 50 cents ; if of 20 tons, and not exceeding 70 tons, 75 cents ; if above 70 tons, and not exceeding 100 tons, 100 cents ; if above 100 tons, 150 cents.

For every certificate of enrolment, 50 cents :

For every endorsement on a certificate of enrolment 20 cents :

For every licence, and granting the same, including the bond, if not exceeding 20 tons, 25 cents ; if above 20 and not more than 100 tons, 50 cents ; and if more than 100 tons, 100 cents :

For every endorsement on a licence, 20 cents :

For certifying manifests, and granting a permit for a licenced vessel to proceed from district to district, 25 cents, if less than 50 tons, and if above 50 tons, 50 cents :

For receiving a certified manifest, and granting a permit, on the arrival of such vessel, 25 cents, if less than 50 tons, and if above 50 tons, 50 cents :

For certifying manifests, and granting a permit for a registered vessel to proceed from district to district, 150 cents :

For receiving a certified manifest, and granting a permit, on the arrival of such registered vessel, 150 cents :

For granting a permit for a vessel, not belonging to a citizen or citizens of the U. S. to proceed from district to district, and receiving the manifest 200 cents :

For receiving a manifest, and granting a permit, to unload, for such last mentioned vessel, on her arrival in one district from another district, 200 cents :

For granting a permit for a vessel carrying on the fishery, to trade at a foreign port, 25 cents, and for the report and entry of any foreign goods imported in such vessel, 25 cents.

And where a surveyor shall certify a manifest, or grant a permit, or receive a certified manifest and grant a permit, the fees arising therefrom shall be received by him solely for his use. And all other fees arising, by virtue of this act, shall be received, and accounted for, by the collector, or, at his option, by the naval-officer, where there is one, and where there is a collector, naval officer, and surveyor, shall be equally divided, monthly, between the said officers ; and where there is no naval officer, two thirds to the collector, and the other third to the surveyor ; and where there is only a collector, he shall receive the whole amount thereof ; and where there is more than one surveyor in any district, each of them shall receive his proportionable part of such fees, as shall arise in the port, for which he is appointed : But in all cases, where the tonnage of any ship or vessel, shall be ascertained, by any person appointed for that purpose, such person shall be paid a reasonable compensation therefor, out of the fees aforesaid, before any distribution thereof, as aforesaid ; and every collector and naval officer, and every surveyor, who shall reside at a port where there is no collector, shall cause to be affixed, and constantly kept, in some conspicuous place of his office, a fair table of the rates of fees, demandable by this act. *ibid.* § 34.

35. All penalties and forfeitures, which shall be incurred by

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virtue and force of this act, shall and may be sued for, prosecuted and recovered, in like manner, as penalties and forfeitures, incurred by virtue of the act, intituled "An act to regulate the collection of the duties imposed by law on goods, wares and merchandize imported into the U. S. and on the tonnage of ships or vessels," may be sued for, prosecuted and recovered, and shall be appropriated in like manner: *Provided*, That if any officer, entitled to a part or share of any such penalty or forfeiture, shall be necessary as a witness on the trial for such penalty or forfeiture, such officer may be a witness upon the said trial; but in such case, he shall not receive, or be entitled to any part or share of the said penalty or forfeiture, and the part or share to which he would otherwise have been entitled, shall accrue to the U. S. *ibid.* § 35.

36. This act shall commence and take effect, from and after the last day of May next, and thenceforth, the act intituled, "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," and also, the act, intituled "An act to explain and amend an act entitled "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," shall be repealed, except as to the validity of the registers, records, enrolments and licences, with the certificates & documents, which shall have been done or granted, in pursuance of those acts, prior to the first day of June next, which shall continue to be of the like force and effect, as if the said acts were not repealed; and except also, as to the prosecution, recovery and distribution of, and for fines, penalties and forfeitures, which may have been incurred, prior to the 1st day of June next, for which purpose likewise, the said acts shall continue in force. *ibid.* § 36.

37. Nothing in this act, shall be construed to extend to any boat or lighter, not being masted, or if masted, and not decked, employed in the harbor of any town or city. *ibid.* § 37.

38. The coasting vessels going from Long-Island in the state of New-York to the state of Rhode-Island, or from the state of Rhode-Island to the said Long-Island, shall have the same privileges as are allowed to vessels under the like circumstances going from a district in one state to a district in the same, or an adjoining state. March 2, 1795, c. 106. See *registering and recording of vessels. arms and ammunition art. 2.*



## Coins, Foreign.

1. AFTER the first day of July next, foreign gold and silver coins shall pass current as money within the U. S. and be a legal tender for the payment of all debts and demands, at the several and respective rates following, and not otherwise, viz. The gold



coins of Great-Britain and Portugal, of their present standard, at the rate of 100 cents for every 27 grains of the actual weight thereof; the gold coins of France, Spain and the dominions of Spain, of their present standard, at the rate of 100 cents for every 27 grains and two fifths of a grain, of the actual weight, thereof. Spanish milled dollars at the rate of 100 cents for each dollar, the actual weight whereof shall not be less than 17 penny weights and 7 grains; and in proportion for the parts of a dollar. Crowns of France, at the rate of 110 cents, for each crown, the actual weight whereof, shall not be less than 18 penny weights and 17 grains, and in proportion for the parts of a crown. But no foreign coin that may have been, or shall be issued subsequent to the 1st day of Jan. 1792. shall be a tender, as aforesaid, until samples thereof shall have been found, by assay, at the mint of the U. S. to be conformable to the respective standards required, and proclamation thereof shall have been made by the President of the U. S. Feb. 9, 1793, c. 5, § 1.

2. At the expiration of 3 years next ensuing the time when the coining of gold and silver, agreeably to the act intitled, "An act establishing a mint, and regulating the coins of the U. S." (See *Mint, Art. 1.*) shall commence at the mint of the U. S. (which time shall be announced by the proclamation of the President of the U. S.) all foreign gold coins, and all foreign silver coins, except Spanish milled dollars and parts of such dollars, shall cease to be a legal tender, as aforesaid. *ibid.* § 2. (See *Art. 5.*)

3. All foreign gold and silver coins, (except Spanish milled dollars, and parts of such dollars) which shall be received in payment for monies due to the U. S. after the said time, when the coining of gold and silver coins shall begin at the mint of the U. S. shall, previously to their being issued in circulation, be coined anew, in conformity to the act, entitled "An act establishing a mint and regulating the coins of the U. S." *ibid.* § 3.

4. The assay provided to be made by the act, intitled, "An act establishing a mint, and regulating the coins of the U. S." shall commence in the manner as by the said act is prescribed, on the 2d Monday, of Feb. annually. *ibid.* § 5.

5. The 2d §. of an act, entitled, "An act regulating foreign coins; and for other purposes," is hereby suspended, for and during the space of 3 years, from and after the 1st day of Jan. 1798, and until the end of the next session of Congress thereafter, during which time, the said gold and silver coins shall be and continue a legal tender, as is provided in and by the 1st § of the act aforesaid; and the same coins shall thereafter cease to be such tender. Feb. 1, 1793, c. 28. See *mint, Duties, collection of.* art. 61.

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# Confederation, Articles of.

ART. I. **T**HE stile of this confederacy shall be, "*The United States of America.*"

ART. II. Each state retains its sovereignty, freedom and independence, and every power, jurisdiction and right which is not by this confederation expressly delegated to the U. S. in Congress assembled.

ART. III. The said states hereby severally enter into a firm league of friendship with each other, for their common defence, the security of their liberties, and their mutual and general welfare, binding themselves to assist each other, against all force offered to, or attacks made upon them, or any of them, on account of religion, sovereignty, trade, or any other pretence whatever.

ART. IV. The better to secure and perpetuate mutual friendship and intercourse among the people of the different states in this union, the free inhabitants of each of these states, paupers, vagabonds, and fugitives from justice excepted, shall be entitled to all privileges and immunities of free citizens in the several states; and the people of each state shall have free ingress and regress to and from any other state, and shall enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof respectively, provided that such restrictions shall not extend so far as to prevent the removal of property imported into any state, to any other state of which the owner is an inhabitant; provided also, that no impositions, duties or restrictions shall be laid by any state, on the property of the U. S. or either of them.

If any person guilty of, or charged with treason, felony, or other high misdemeanor in any state, shall flee from justice, and be found in any of the U. S. he shall upon demand of the governor, or executive power of the state from which he fled, be delivered up and removed to the state having jurisdiction of his offence.

Full faith and credit shall be given in each of these states, to the records, acts and judicial proceedings of the courts and magistrates of every other state.

ART. V. For the more convenient management of the general interests of the U. S. delegates shall be annually appointed in such manner as the legislature of each state shall direct, to meet in Congress on the first Monday in Nov. in every year, with a power reserved to each state, to recall its delegates, or any of them, at any time within the year, and to send others in their stead, for the remainder of the year.

No state shall be represented in Congress by less than two nor more than seven members; and no person shall be capable of being a delegate, for more than three years in any term of six years; nor shall any person, being a delegate, be capable of holding any office

under the U. S. for which he, or any other for his benefit, receives any salary, fees or emolument of any kind.

Each state shall maintain its own delegates in a meeting of the states, and while they act as members of the committee of the states.

In determining questions in the U. S. in Congress assembled, each state shall have one vote.

Freedom of speech and debate in Congress shall not be impeached or questioned in any court or place out of Congress; and the members of Congress shall be protected in their persons from arrests and imprisonments, during the time of their going to and from and attendance on Congress, except for treason, felony or breach of the peace.

ART. VI. No state, without the consent of the U. S. in Congress assembled, shall send any embassy to, or receive any embassy from, or enter into any conference, agreement, alliance, or treaty, with any king, prince or state; nor shall any person holding any office of profit or trust under the U. S. or any of them, accept of any present emolument, office or title of any kind whatever from any king, prince or foreign state; nor shall the U. S. in Congress assembled, or any of them, grant any title of nobility.

No two or more states shall enter into any treaty, confederation or alliance whatever between them, without the consent of the U. S. in Congress assembled, specifying accurately the purposes for which the same is to be entered into, and how long it shall continue.

No state shall lay any imposts or duties, which may interfere with any stipulations in treaties entered into by the U. S. in Congress assembled, with any king, prince or state in pursuance of any treaties already proposed by Congress, to the courts of France and Spain.

No vessels of war shall be kept up in time of peace by any state, except such number only as shall be deemed necessary by the U. S. in Congress assembled, for the defence of such state, or its trade; nor shall any body of forces be kept up by any state, in time of peace, except such number only, as in the judgment of the U. S. in Congress assembled, shall be deemed requisite to garrison the forts necessary for the defence of such state; but every state shall always keep up a well-regulated and disciplined militia, sufficiently armed and accoutred, and shall provide and constantly have ready for use, in public stores, a due number of field pieces and tents, and a proper quantity of arms, ammunition, and camp equipage.

No state shall engage in any war without the consent of the U. S. in Congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state, and the danger is so imminent as not to admit of a delay till the U. S. in Congress assembled can be consulted; nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or

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reprisal, except it be after a declaration of war by the U. S. in Congress assembled, and then only against the kingdom or state, and the subjects thereof, against which, war has been so declared, and under such regulations, as shall be established by the U. S. in Congress assembled, unless such state be infested by pirates, in which case, vessels of war may be fitted out for that occasion, and kept so long as the danger shall continue, or, until the U. S. in Congress assembled, shall determine otherwise.

ART. VII. When land forces are raised by any state, for the common defence, all officers of, or under the rank of colonel, shall be appointed by the legislature of each state, respectively, by whom such forces shall be raised, or in such manner as such state shall direct : And all vacancies shall be filled up by the state which first made the appointment.

ART. VIII. All charges of war, and all other expenses, that shall be incurred for the common defence or general welfare, and allowed by the U. S. in Congress assembled, shall be defrayed out of a common treasury, which shall be supplied by the several states, in proportion to the value of all land, within each state, granted to or surveyed for any person, as such land and the buildings and improvements thereon shall be estimated, according to such mode as the U. S. in Congress assembled, shall from time to time direct and appoint.

The taxes for paying that proportion, shall be laid and levied by the authority and direction of the legislatures of the several states, within the time agreed upon by the U. S. in Congress assembled.

ART. IX. The U. S. in Congress assembled, shall have the sole, and exclusive right and power of determining on peace and war, except in the cases mentioned in the sixth article ; of sending and receiving ambassadors ; entering into treaties and alliances, provided that no treaty of commerce shall be made, whereby the legislative power of the respective states shall be restrained from imposing such imposts & duties on foreigners as their own people are subjected to, or from prohibiting the exportation or importation of any species of goods or commodities, whatsoever ; of establishing rules for deciding in all cases, what captures on land or water shall be legal, and in what manner prizes taken by land or naval forces in the service of the U. S. shall be divided or appropriated ; of granting letters of marque and reprisal in times of peace ; appointing courts for the trial of piracies and felonies committed on the high seas, and establishing courts for receiving and determining finally appeals in all cases of captures, provided that no member of Congress shall be appointed a judge of any of the said courts.

The U. S. in Congress assembled, shall also be the last resort on appeal in all disputes and differences now subsisting or that hereafter may arise between two or more states concerning boundary, jurisdiction, or any other cause whatever ; which authority shall always be exercised in the manner following. Whenever the

executive authority or lawful agent of any state in controversy with another, shall present a petition to Congress, stating the matter in question, and praying for a hearing, notice thereof shall be given by order of Congress to the legislative or executive authority of the other state in controversy, and a day assigned for the appearance of the parties by their lawful agents, who shall then be directed to appoint, by joint consent, commissioners or judges to constitute a court for hearing and determining the matter in question; but if they cannot agree, Congress shall name 3 persons out of each of the U. S. and from the list of such persons, each party shall alternately strike out one, the petitioners beginning until the number shall be reduced to 13; and from that number not less than 7, nor more than 9 names, as Congress shall direct, shall in the presence of Congress be drawn out by lot: and the persons whose names shall be so drawn, or any five of them, shall be commissioners or judges, to hear and finally determine the controversy, so always as a major part of the judges, who shall hear the cause, shall agree in the determination: And if either party shall neglect to attend at the day appointed, without shewing reasons which Congress shall judge sufficient, or being present, shall refuse to strike, the Congress shall proceed to nominate three persons out of each state, and the secretary of Congress shall strike in behalf of such party absent or refusing; and the judgment and sentence of the court to be appointed, in the manner before prescribed, shall be final and conclusive; and if any of the parties shall refuse to submit to the authority of such court, or to appear or defend their claim or cause, the court shall nevertheless proceed to pronounce sentence or judgment, which shall in like manner be final and decisive; the judgment or sentence and other proceedings being in either case transmitted to Congress, and lodged among the acts of Congress, for the security of the parties concerned: Provided, that every commissioner, before he sits in judgment, shall take an oath, to be administered by one of the judges of the supreme or superior court of the state, where the cause shall be tried, "well and truly to hear and determine the matter in question, according to the best of his judgment, without favour, affection, or hope of reward:" Provided also, that no state shall be deprived of territory for the benefit of the U. S.

All controversies concerning the private right of soil, claimed under different grants of two or more states, whose jurisdictions as they may respect such lands and the states which passed such grants are adjusted, the said grants or either of them being at the same time claimed to have originated antecedent to such settlement of jurisdiction, shall, on the petition of either party to the Congress of the U. S. be finally determined as near as may be, in the same manner as is before prescribed for deciding disputes respecting territorial jurisdiction between different states.

The U. S. in Congress assembled shall also have the sole and exclusive right and power of regulating the alloy and value of coin struck by their own authority, or by that of the respective

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states ; fixing the standard of weights and measures throughout the U. S. regulating the trade and managing all affairs with the Indians not members of any of the states ; provided that the legislative right of any state within its own limits be not infringed or violated ; establishing and regulating post-offices from one state to another throughout all the U. S. and exacting such postage on the papers passing through the same, as may be requisite to defray the expenses of the said office ; appointing all officers of the land forces in the service of the U. S. excepting regimental officers ; appointing all the officers of the naval force, and commissioning all officers whatever in the service of the U. S. making rules for the government and regulation of the said land and naval forces and directing their operations.

The U. S. in Congress assembled shall have authority to appoint a committee to sit in the recess of Congress, to be denominated " a committee of the states," and to consist of one delegate from each state, and to appoint such other committees and civil officers as may be necessary for managing the general affairs of the U. S. under their direction ; to appoint one of their number to preside, provided that no person be allowed to serve in the office of president more than one year, in any term of three years ; to ascertain the necessary sums of money to be raised for the service of the U. S. and to appropriate and apply the same for defraying the public expenses ; to borrow money or emit bills on the credit of the U. S. transmitting every half year to the respective states, an account of the sums of money so borrowed or emitted ; to build and equip a navy ; to agree upon the number of land forces, and to make requisitions from each state for its quota, in proportion to the number of white inhabitants in such state ; which requisition shall be binding, and thereupon the legislature of each state shall appoint the regimental officers, raise the men, and cloath, arm and equip them in a soldier-like manner, at the expence of the U. S. and the officers and men so cloathed, armed and equipped, shall march to the place appointed, and within the time agreed on by the U. S. in Congress assembled : But if the U. S. in Congress assembled shall, on consideration of circumstances, judge proper that any state should not raise men, or should raise a smaller number than its quota, and that any other state should raise a greater number of men than the quota thereof, such extra number shall be raised, officered, cloathed, armed and equipped in the same manner as the quota of such state, unless the legislature of such state shall judge that such extra number cannot be safely spared out of the same ; in which case they shall raise, officer, cloath, arm and equip as many of such extra number as they judge can be safely spared. And the officers and men so cloathed, armed and equipped shall march to the place appointed and within the time agreed on by the U. S. in Congress assembled.

The U. S. in Congress assembled, shall never engage in a war nor grant letters of marque and reprisal in time of peace, nor en-



ter into any treaties or alliances, nor coin money, nor regulate the value thereof, nor ascertain the sums and expences necessary for the defence and welfare of the U. S. or any of them; nor emit bills, nor borrow money on the credit of the U. S. nor appropriate money, nor agree upon the number of vessels of war to be built or purchased, or the number of land or sea forces to be raised, nor appoint a commander in chief of the army or navy, unless nine states assent to the same; nor shall a question on any other point, except for adjourning from day to day, be determined, unless by the votes of a majority of the U. S. in Congress assembled.

The Congress of the U. S. shall have power to adjourn to any time within the year, and to any place within the U. S. so that no period of adjournment be for a longer duration than the space of six months, and shall publish the journal of their proceedings monthly, except such parts thereof relating to treaties, alliances or military operations, as in their judgment require secrecy; and the yeas and nays of the delegates of each state on any question, shall be entered on the journal, when it is desired by any delegate; and the delegates of a state or any of them, at his or their request, shall be furnished with a transcript of the said journal, except such parts as are above excepted, to lay before the legislature of the several states.

ART. X. The committee of the states, or any nine of them, shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the U. S. in Congress assembled, by the consent of nine states, shall from time to time think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the articles of confederation, the voice of nine states, in the Congress of the U. S. assembled, is requisite.

ART. XI. Canada acceding to this confederation, and joining in the measures of the U. S. shall be admitted into and entitled to all the advantages of this Union: But no other colony shall be admitted into the same, unless such admission be agreed to by nine states.

ART. XII. All bills of credit emitted, monies borrowed, and debts contracted by or under the authority of Congress, before the assembling of the U. S. in pursuance of the present confederation, shall be deemed and considered as a charge against the U. S. for payment and satisfaction whereof, the said U. S. and the public faith are hereby solemnly pledged.

ART. XIII. Every state shall abide by the determinations of the U. S. in Congress assembled, on all questions which by this confederation are submitted to them. And the articles of this confederation shall be inviolably observed by every state, and the union shall be perpetual; nor shall any alteration, at any time hereafter, be made in any of them; unless such alteration be agreed to in a Congress of the U. S. and be afterwards confirmed by the Legislatures of every state.

*Done at Philadelphia, the 9th day of July, in the year of our Lord, 1778, and finally ratified the 1st day of March 1781.*

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## Congress, Session of, alterable.

**W**HENEVER the Congress shall be about to convene, and, from the prevalence of contagious sickness, or the existence of other circumstances, it would in the opinion of the President of the U. S. be hazardous to the lives or health of the members to meet at the place to which the Congress shall then stand adjourned, or at which it shall be next by law to meet, the President is authorized, by proclamation, to convene the Congress at such other place as he may judge proper. *April. 3. 1794, c. 17.*

## Constitution.

*WE, the people of the United States, in order to form a more perfect Union, establish Justice, insure Domestic Tranquillity, provide for the Common Defence, promote the General Welfare, and secure the Blessings of Liberty to Ourselves and our Posterity; do ordain and establish this Constitution for the United States of AMERICA.*

### ARTICLE I.

**SEC. I.** **A**LL legislative powers herein granted shall be vested in a CONGRESS of the U. S. which shall consist of a Senate and House of Representatives.

**SEC. II.** The House of Representatives shall be composed of members chosen every second year, by the people of the several states; and the electors in each state shall have the qualifications requisite for electors of the most numerous branch of the state legislature.

No person shall be a Representative who shall not have attained to the age of 25 years, and been 7 years a citizen of the U. S. and who shall not, when elected, be an inhabitant of that state in which he shall be chosen.

Representatives and direct taxes shall be apportioned among the several states which may be included within this union, according to their respective numbers, which shall be determined by adding to the whole number of free persons, including those bound to service for a term of years, and excluding Indians not taxed, three-fifths of all other persons. The actual enumeration shall be made within 3 years after the first meeting of the Congress of the U. S. and within every subsequent term of 10 years, in such manner as they shall by law direct. The number of Representatives shall not exceed 1 for every 30,000, but each state shall have at least 1 Representative; and until such enumeration shall be made, the state of *New-Hampshire* shall be entitled to chuse 3, *Massachusetts*

8, *Rhode-Island* and *Providence Plantations* 1, *Connecticut* 5, *New-York* 6, *New-Jersey* 4, *Pennsylvania* 8, *Delaware* 1, *Maryland* 6, *Virginia* 10, *North-Carolina* 5, *South-Carolina* 5, and *Georgia* 3.

When vacancies happen in the representation from any state, the executive authority thereof shall issue writs of election to fill such vacancies.

The House of Representatives shall chuse their Speaker and other officers, and shall have the sole power of impeachment.

SEC. III. The Senate of the U. S. shall be composed of two Senators from each state, chosen by the legislature thereof, for six years; and each Senator shall have one vote.

Immediately after they shall be assembled in consequence of the first election, they shall be divided, as equally as may be, into three classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year, of the second class at the expiration of the fourth year, and of the third class at the expiration of the sixth year, so that one-third may be chosen every second year: and if vacancies happen by resignation or otherwise, during the recess of the legislature of any state, the executive thereof may make temporary appointments until the next meeting of the legislature, which shall then fill such vacancies.

No person shall be a Senator who shall not have attained to the age of 30 years, and been 9 years a citizen of the U. S. and who shall not, when elected, be an inhabitant of that state for which he shall be chosen.

The Vice-President of the U. S. shall be President of the Senate, but shall have no vote, unless they be equally divided.

The Senate shall choose their other officers, and also a President pro tempore, in the absence of the Vice-President, or when he shall exercise the office of President of the U. S.

The Senate shall have the sole power to try all impeachments. When sitting for that purpose, they shall be on oath or affirmation. When the President of the U. S. is tried, the chief Justice shall preside: And no person shall be convicted without the concurrence of two-thirds of the members present.

Judgment in cases of impeachment shall not extend further than to removal from office, and disqualification to hold and enjoy any office of honor, trust or profit under the U. S. but the party convicted shall nevertheless be liable and subject to indictment, trial, judgment and punishment, according to law.

SEC. IV. The times, places, and manner of holding elections for Senators and Representatives shall be prescribed in each state by the legislature thereof; but the Congress may at any time, by law, make or alter such regulations, except as to the places of choosing Senators.

The Congress shall assemble at least once in every year, and such meeting shall be on the first Monday in Dec. unless they shall by law appoint a different day.

SEC. V. Each House shall be the judge of the elections, returns, and qualifications of its own members; and a majority of

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Each shall constitute a quorum to do business; but a smaller number may adjourn from day to day, and may be authorized to compel the attendance of absent members, in such manner and under such penalties as each House may provide.

Each House may determine the rules of its proceedings, punish its members for disorderly behaviour, and with the concurrence of two-thirds, expel a member.

Each House shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment require secrecy; and the yeas and nays of the members of either House on any question, shall, at the desire of one-fifth of those present, be entered on the journal.

Neither House, during the session of Congress shall, without the consent of the other, adjourn for more than 3 days, nor to any other place than that in which the two Houses shall be sitting.

SEC. VI. The Senators and Representatives shall receive a compensation for their services, to be ascertained by law, and paid out of the Treasury of the U. S. They shall in all cases, except treason, felony and breach of the peace, be privileged from arrest during their attendance at the session of their respective Houses, and in going to and returning from the same; and for any speech or debate in either House, they shall not be questioned in any other place.

No Senator or Representative shall, during the time for which he was elected, be appointed to any civil office under the authority of the U. S. which shall have been created, or the emoluments whereof shall have been increased during such time; and no person holding any office under the U. S. shall be a member of either House during his continuance in office.

SEC. VII. All bills for raising revenue shall originate in the House of Representatives; but the Senate may propose or concur with amendments as on other bills.

Every bill which shall have passed the House of Representatives and the Senate, shall, before it become a law, be presented to the President of the U. S. if he approve, he shall sign it; but if not, he shall return it, with his objections, to that House in which it shall have originated, who shall enter the objections at large on their journal, and proceed to re-consider it. If after such re-consideration, two thirds of that House shall agree to pass the bill, it shall be sent, together with the objections, to the other House, by which it shall likewise be re-considered, and if approved by two thirds of that House, it shall become a law. But in all such cases, the votes of both Houses shall be determined by yeas and nays, and the names of the persons voting for and against the bill shall be entered on the journal of each House respectively. If any bill shall not be returned by the President within ten days (Sundays excepted) after it shall have been presented to him, the same shall be a law, in like manner as if he had signed it, unless the Congress by their adjournment prevent its return, in which case it shall not be a law.



Every order, resolution or vote to which the concurrence of the Senate and House of Representatives may be necessary (except on a question of adjournment) shall be presented to the President of the U. S. and before the same shall take effect, shall be approved by him, or being disapproved by him, shall be repassed by two-thirds of the Senate and House of Representatives, according to the rules and limitations prescribed in the case of a bill.

SEC. VIII. The Congress shall have power.

To lay and collect taxes, duties, imposts & excises, to pay the debts & provide for the common defence and general welfare of the U. S. but all duties imposts and excises shall be uniform throughout the U. S.

To borrow money on the credit of the U. S.

To regulate commerce with foreign nations, and among the several states, and with the Indian tribes;

To establish an uniform rule of naturalization, and uniform laws on the subject of bankruptcies, throughout the U. S.

To coin money, regulate the value thereof, and of foreign coin, and fix the standard of weights and measures;

To provide for the punishment of counterfeiting the securities and current coin of the U. S.

To establish post-offices and post-roads;

To promote the progress of science and useful arts, by securing, for limited times, to authors and inventors, the exclusive right to their respective writings and discoveries;

To constitute tribunals inferior to the supreme court; to define and punish piracies and felonies committed on the high seas, and offences against the law of nations;

To declare war, grant letters of marque and reprisal, and make rules concerning captures on land and water;

To raise and support armies; but no appropriation of money to that use, shall be for a longer term than two years;

To provide and maintain a navy;

To make rules for the government and regulation of the land and naval forces;

To provide for calling forth the militia, to execute the laws of the Union, suppress insurrections and repel invasions;

To provide for organizing, arming & disciplining the militia, & for governing such part of them as may be employed in the service of the U. S. reserving to the states respectively, the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress;

To exercise exclusive legislation in all cases whatsoever, over such district (not exceeding ten miles square) as may, by cession of particular states, and the acceptance of Congress, become the seat of the government of the U. S. and to exercise like authority over all places purchased by the consent of the Legislature of the state in which the same shall be, for the erection of forts, magazines, arsenals, dock-yards, and other needful buildings; —And

To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers

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SEC. IX. The migration or importation of such persons as any of the states now existing shall think proper to admit, shall not be prohibited by the Congress prior to the year 1808, but a tax or duty may be imposed on such importation, not exceeding ten dollars for each person.

The privilege of the writ of habeas corpus shall not be suspended, unless when in cases of rebellion or invasion the public safety may require it.

No bill of attainder, or ex post facto law shall be passed.

No capitation, or other direct tax, shall be laid, unless in proportion to the census or enumeration herein before directed to be taken.

No tax or duty shall be laid on articles exported from any state. No preference shall be given by any regulation of commerce or revenue to the ports of one state over those of another; nor shall vessels bound to or from one state, be obliged to enter, clear or pay duties in another.

No money shall be drawn from the treasury, but in consequence of appropriations made by law: and a regular statement and account of the receipts and expenditures of all public money, shall be published from time to time.

No title of nobility shall be granted by the U. S. And no person holding any office of profit or trust under them, shall, without the consent of the Congress, except of any present, emolument, office or title of any kind whatsoever, from any king, prince or foreign state.

SEC. X. No state shall enter into any treaty, alliance or confederation; grant letters of marque & reprisal; coin money; emit bills of credit; make any thing but gold and silver coin a tender, in payment of debts; pass any bill of attainder, ex post facto law, or law impairing the obligation of contracts, or grant any title of nobility.

No state shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing its inspection laws: and the net produce of all duties and imposts, laid by any state on imports or exports, shall be for the use of the treasury of the U. S. and all such laws shall be subject to the revision and controul of the Congress. No state shall, without the consent of Congress, lay any duty of tonnage, keep troops or ships of war in time of peace, enter into any agreement or compact with another state, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay.

#### ARTICLE. II.

SEC. I. The executive power shall be vested in a President of the U. S. of America. He shall hold his office during the term of four years, and, together with the Vice-President, chosen for the same term, be elected as follows:

Each state shall appoint in such manner as the Legislature thereof may direct, a number of electors, equal to the whole number of Senators and Representatives to which the state may be entitled in the Congress; but no Senator or Representative, or person holding an office of trust or profit under the U. S. shall be appointed an elector.

The electors shall meet in their respective states, and vote by ballot for two persons, of whom one at least shall not be an inhabitant of the same state with themselves. And they shall make a list of all the persons voted for, & of the number of votes for each; which list they shall sign and certify, and transmit sealed to the seat of the government of the U. S. directed to the President of the Senate. The President of the Senate shall, in the presence of the Senate and House of Representatives, open all the certificates, and the votes shall then be counted. The person having the greatest number of votes shall be the President, if such number be a majority of the whole number of electors appointed; and if there be more than one who have such majority, and have an equal number of votes, then the House of Representatives shall immediately chuse, by ballot, one of them for President; and if no person have a majority, then from the five highest on the list, the said House shall, in like manner, chuse the President. But in chusing the President, the votes shall be taken by states, the representation from each state having one vote: a quorum for this purpose shall consist of a member or members from two-thirds of the states, and a majority of all the states shall be necessary to a choice. In every case, after the choice of the President, the person having the greatest number of votes of the electors, shall be the Vice-President. But if there should remain two or more who have equal votes, the Senate shall chuse from them, by ballot, the Vice-President.

The Congress may determine the time of chusing the electors, & the day on which they shall give their votes; which day shall be the same throughout the U. S.

No person, except a natural born citizen, or a citizen of the U. S. at the time of the adoption of this Constitution, shall be eligible to the office of President; neither shall any person be eligible to that office, who shall not have attained to the age of 35 years, and been 14 years a resident within the U. S.

In case of the removal of the President from office, or of his death, resignation, or inability to discharge the powers and duties of the said office, the same shall devolve on the Vice-President, and the Congress may by law provide for the case of removal, death, resignation or inability, both of the President and Vice-President, declaring what officer shall then act as President, and such officer shall act accordingly, until the disability be removed, or a President shall be elected.

The President shall, at stated times, receive for his services, a compensation, which shall neither be increased nor diminished during the period for which he shall have been elected, and he shall

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Before he enter on the execution of his office he shall take the following oath or affirmation :

“ I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will, to the best of my ability, preserve, protect and defend the constitution of the United States.”

SEC. II. The President shall be commander in chief of the army and navy of the U. S. and of the militia of the several states, when called into the actual service of the U. S. he may require the opinion in writing, of the principal officer in each of the executive departments, upon any subject relating to the duties of their respective offices ; and he shall have power to grant reprieves and pardons for offences against the U. S. except in cases of impeachment.

He shall have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur ; and he shall nominate, and by and with the advice and consent of the Senate, shall appoint ambassadors, other public ministers and consuls, judges of the supreme court, and all other officers of the U. S. whose appointments are not herein otherwise provided for, and which shall be established by law : But the Congress may, by law, vest the appointment of such inferior officers as they think proper, in the President alone, in the courts of law, or in the heads of departments.

The President shall have power to fill up all vacancies that may happen during the recess of the Senate, by granting commissions which shall expire at the end of their next session.

SEC. III. He shall, from time to time, give to the Congress information of the state of the Union, and recommend to their consideration, such measures as he shall judge necessary and expedient ; he may, on extraordinary occasions, convene both Houses, or either of them, and in case of disagreement between them, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper ; he shall receive ambassadors and other public ministers ; he shall take care that the laws be faithfully executed, and shall commission all the officers of the U. S.

SEC. IV. The President, Vice-President and all civil officers of the U. S. shall be removed from office on impeachment for, and conviction of treason, bribery, or other high crimes and misdemeanors.

### ARTICLE III.

SEC. I. The judicial power of the U. S. shall be vested in one supreme court, and in such inferior courts as the Congress may, from time to time, ordain and establish. The judges, both of the supreme and inferior courts, shall hold their offices during good behaviour, and shall, at stated times, receive for their services a compensation, which shall not be diminished during their continuance in office.

SEC. II. The judicial power shall extend to all cases in law and equity, arising under this Constitution, the laws of the U. S. and treaties made, or which shall be made, under their authority; to all cases affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the U. S. shall be a party; to controversies between two or more states, between a state and citizens of another state, between citizens of different states, between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects.

In all cases affecting ambassadors, other public ministers and consuls, and those in which a state shall be party, the supreme court shall have original jurisdiction. In all the other cases before mentioned, the supreme court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

The trial of all crimes, except in cases of impeachment, shall be by jury; and such trial shall be held in the state where the said crimes shall have been committed; but when not committed within any state, the trial shall be at such place or places as the Congress may by law have directed.

SEC. III. Treason against the U. S. shall consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort. No person shall be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court.

The Congress shall have power to declare the punishment of treason, but no attainder of treason shall work corruption of blood, or forfeiture, except during the life of the person attainted,

#### ARTICLE IV.

SEC. I. Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may, by general laws, prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

SEC. II. The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states.

A person charged in any state with treason, felony, or other crime, who shall flee from justice, and be found in another state, shall, on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime.

No person held to service or labour in one state under the laws thereof, escaping into another, shall, in consequence of any law or regulation therein, be discharged from such service or labour, but shall be delivered up on claim of the party to whom such service or labour may be due.

SEC. III. New states may be admitted by the Congress into this Union; but no new state shall be formed or erected within the ju-

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ridiction of any other state, nor any state be formed by the junction of two or more states, or parts of states, without the consent of the legislatures of the states concerned, as well as of the Congress.

The Congress shall have power to dispose of, and make all needful rules and regulations respecting the territory or other property belonging to the U. S. and nothing in this Constitution shall be so construed as to prejudice any claims of the U. S. or of any particular state.

SEC. IV. The U. S. shall guarantee to every state in this Union, a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence.

#### ARTICLE V.

The Congress, whenever two thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the legislatures of two-thirds of the several states, shall call a convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three-fourths of the several states, or by conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; Provided, that no amendment, which may be made prior to the year 1808, shall in any manner affect the first and fourth clauses in the 9th §. of the first article; and that no state, without its consent, shall be deprived of its equal suffrage in the Senate.

#### ARTICLE VI.

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the U. S. under this Constitution, as under the Confederation.

This Constitution, and the laws of the U. S. which shall be made in pursuance thereof, and all treaties made, or which shall be made, under the authority of the U. S. shall be the supreme law of the land; and the judges in every state shall be bound thereby; any thing in the Constitution or laws of any state to the contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the U. S. and of the several states, shall be bound by oath or affirmation, to support this Constitution: but no religious test shall ever be required as a qualification to any office or public trust under the U. S.

#### ARTICLE VII.

The ratification of the Conventions of nine states, shall be sufficient for the establishment of this Constitution between the states so ratifying the same.

*Done in convention, the 17th Sep. 1787.*

**CONGRESS of the UNITED STATES,**  
**BEGUN AND HELD AT THE CITY OF NEW-YORK,**  
**ON WEDNESDAY THE 4th MARCH, 1789.**

*The Conventions of a number of States, having, at the time of their adopting the Constitution, expressed a desire, in order to prevent misconstruction or abuse of its powers, that further declaratory and restrictive clauses should be added: And, as extending the ground of public confidence in the government, will best insure the beneficent ends of its institution:*

**R**ESOLVED, That the following articles be proposed to the legislatures of the several states, as amendments to the Constitution of the U. S. all or any of which articles, when ratified by three-fourths of the said legislatures, to be valid to all intents and purposes, as part of the said Constitution; viz.

*Articles in addition to, and amendment of, the Constitution of the U. S. of America, proposed by Congress, and ratified by the Legislatures of the several States, pursuant to the fifth article of the original Constitution.*

**ART. I.** **A**FTER the first enumeration required by the first article of the Constitution, there shall be one representative for every 30,000, until the number shall amount to 100, after which the proportion shall be so regulated by Congress, that there shall be not less than 100 representatives, nor less than one representative for every 40,000 persons, until the number of representatives shall amount to 200; after which the proportion shall be so regulated by Congress, that there shall be not less than 200 representatives, nor more than 1 representative for every 50,000 persons.

**ART. II.** No law varying the compensation for the services of the Senators and Representatives, shall take effect, until an election of Representatives shall have intervened.

**ART. III.** Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

**ART. IV.** A well regulated militia being necessary to the security of a free state, the right of the people to keep and bear arms shall not be infringed.

**ART. V.** No soldier shall in time of peace be quartered in any house, without the consent of the owner; nor in time of war, but in a manner to be prescribed by law.

**ART. VI.** The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly

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ART. VII. No person shall be held to answer for a capital or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia when in actual service in time of war or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled, in any criminal case, to be witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

ART. VIII. In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favour, and to have the assistance of counsel for his defence.

ART. IX. In suits at common law, where the value in controversy shall exceed 20 dollars, the right of trial by jury shall be preserved, and no fact, tried by a jury, shall be otherwise re-examined in any court of the U. S. than according to the rules of the common law.

ART. X. Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

ART. XI. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

ART. XII. The powers not delegated to the U. S. by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

### THIRD CONGRESS OF THE UNITED STATES,

*At the second session, begun and held at the city of Philadelphia, in the state of Pennsylvania, on Monday the 2d of Dec. 1793.*

**R**ESOLVED. That the following article be proposed to the legislatures of the several states, as an amendment to the Constitution of the U. S. which when ratified by three-fourths of the said legislatures, shall be valid as part of the said Constitution, viz.

The judicial power of the U. S. shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the U. S. by citizens of another state, or by citizens or subjects of any foreign state.

## Consuls & vice Consuls.

1. **T**HE consuls & vice consuls of the U. S. shall have right in the ports or places to which they are or may be severally appointed of receiving the protests or declarations, which such captains, masters, crews, passengers and merchants, as are citizens of the U. S. may respectively chuse to make there; and also such as any foreigner may chuse to make before them relative to the personal interest of any citizens of the U. S. and the copies of the said acts duly authenticated by the said consuls or vice consuls, under the seal of their consulates, respectively, shall receive faith in law, equally as their originals would in all courts in the U. S. It shall be their duty where the laws of the country permit, to take possession of the personal estate left by any citizen of the U. S. other than seamen belonging to any ship or vessel who shall die within their consulate; leaving there no legal representative, partner in trade or trustee by him appointed to take care of his effects, they shall inventory the same with the assistance of two merchants of the U. S. or for want of them, of any others at their choice; shall collect the debts due to the deceased in the country where he died, and pay the debts due from his estate which he shall have there contracted; shall sell at auction after reasonable public notice such part of the estate as shall be of a perishable nature and such further part, if any, as shall be necessary for the payment of his debts, and at the expiration of one year from his decease, the residue; and the balance of the estate they shall transmit to the treasury of the U. S. to be holden in trust for the legal claimants. But if at any time before such transmission, the legal representative of the deceased shall appear and demand his effects in their hands, they shall deliver them up, being paid their fees and shall cease their proceedings. April 14th, 1792, c. 24, § 2.

2. For the information of the representative of the deceased, it shall be the duty of the consul or vice consul authorized to proceed as aforesaid in the settlement of his estate, immediately to notify his death in one of the gazettes published in the consulate, and also to the Secretary of State, that the same may be notified in the state to which the deceased shall belong; and he shall also, as soon as may be, transmit to the Secretary of State, an inventory of the effects of the deceased taken as before directed. *ibid.*

3. The said consuls and vice consuls, in cases where ships or vessels of the U. S. shall be stranded on the coasts of their consulates respectively, shall, as far as the laws of the country will permit, take proper measures, as well for the purpose of saving the said ships or vessels their cargoes and appurtenances, as for storing and securing the effects and merchandize saved, and for taking an inventory or inventories thereof; and the merchandize and effects saved with the inventory or inventories thereof taken as aforesaid, shall, after deducting therefrom the expense, be delivered to the owner or owners. *Provided*, That no consul or vice consul shall have

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authority to take possession of any such goods, wares, merchandize or other property, when the master, owner or consignee thereof is present or capable of taking possession of the same. *ibid.* § 3.

4. It shall and may be lawful for every consul and vice consul of the U. S. to take and receive the following fees of office for the services which he shall have performed.

For authenticating under the consular seal, every protest, declaration, deposition, or other act, which such captains, masters, mariners, seamen, passengers, merchants or others as are citizens of the U. S. may respectively chuse to make, the sum of 2 dollars.

For the taking into possession, inventorying, selling and finally settling and paying, or transmitting as aforesaid, the balance due on the personal estate left by any citizen of the U. S. who shall die within the limits of his consulate 5 per centum on the gross amount of such estate.

For taking into possession and otherwise proceeding on any such estate which shall be delivered over to the legal representative before a final settlement of the same, as is herein before directed two and a half per centum on such part delivered over as shall not be in money, and 5 per centum on the gross amount of the residue.

And it shall be the duty of the consuls and vice consuls of the U. S. to give receipts for all fees which they shall receive by virtue of this act, expressing the particular services for which they are paid. *ibid.* § 4.

5. In case it be found necessary for the interest of the U. S. that a consul or consuls be appointed to reside on the coast of Barbary, the President is authorized to allow an annual salary, not exceeding 2000 dollars to each person so to be appointed: *Provided*, That such salary be not allowed to more than one consul for any one of the states on the said coast. *ibid.* § 5.

6. Every consul and vice consul shall, before they enter on the execution of their trusts, or if already in the execution of the same, within 1 year from the passing of this act, or if resident in Asia, within 2 years, give bond with such sureties as shall be approved by the Secretary of State, in a sum of not less than 2000 nor more than 10,000 dollars, conditioned for the true and faithful discharge of the duties of his office according to law, and also for truly accounting for all monies, goods and effects which may come into his possession by virtue of this act: and the said bond shall be lodged in the office of the Secretary of the Treasury. *ibid.* § 6.

7. To prevent the mariners and seamen, employed in vessels belonging to citizens of the U. S. in cases of shipwreck, sickness or captivity, from suffering in foreign ports, it shall be the duty of the consuls and vice consuls respectively, from time to time to provide for them in the most reasonable manner, at the expense of the U. S. subject to such instructions as the Secretary of State shall give, and not exceeding an allowance of 12 cents to a man per diem: and all masters and commanders of vessels belonging to citizens of the U. S. and bound to some port of the same, are here.



by required and enjoined to take such mariners or seamen on board of their ships or vessels, at the request of the said consuls or vice consuls respectively; and to transport them to the port in the U. S. to which such ships or vessels may be bound free of costs or charge; but the said mariners or seamen shall, if able, be bound to do duty on board such ships or vessels according to their several abilities: *Provided*, That no master or captain of any ship or vessel, shall be obliged to take a greater number than 2 men to every 100 tons burthen of the said ship or vessel, on any 1 voyage: and if any such captain or master shall refuse the same on the request or order of the consul or vice consul, such captain or master shall forfeit and pay the sum of 30 dollars for each mariner or seaman so refused, to be recovered for the benefit of the U. S. by the said consul or vice-consul in his own name, in any court of competent jurisdiction. *ibid.* § 7.

8. Where a ship or vessel belonging to citizens of the U. S. is sold in a foreign port or place, the master, unless the crew are liable by their contract or do consent to be discharged there, shall send them back to the state where they entered on board, or furnish them with means sufficient for their return, to be ascertained by the consul or vice consul of the U. S. having jurisdiction of the port or place. And in case of the masters refusal, the said consul or vice consul may (if the laws of the land permit it) cause his ship, goods and person to be arrested and held until he shall comply with his duty herein. *ibid.* § 8.

9. The specification of certain powers and duties, in this act, to be exercised or performed by the consuls and vice consuls of the U. S. shall not be construed to the exclusion of others resulting from the nature of their appointments, or any treaty or convention under which they may act. *ibid.* § 9.

10. In case it shall be found necessary, for the interest of the U. S. that a consul be appointed to reside at Algiers; the President is authorized to allow him an annual salary not exceeding 4000 dollars. *July 6, 1797, c. 15. See Constitution, Art. 2. § 2.*

## Copy-Right.

1. **T**HE author and authors of any map, chart, book or books already printed within these U. S. being a citizen or citizens thereof, or resident within the same, his or their executors, administrators or assigns, who hath or have not transferred to any other person the copy-right of such map, chart, book or books, share or shares thereof; and any other person or persons, being a citizen or citizens of these U. S. or residents therein, his or their executors, administrators or assigns, who hath or have purchased or legally acquired the copy-right of any such map, chart, book or

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books, in order to print, reprint, publish or vend the same, shall have the sole right and liberty of printing, reprinting, publishing and vending such map, chart, book or books, for the term of 14 years from the recording the title thereof in the clerk's office, as is herein after directed : And the author and authors of any map, chart, book or books already made and composed, and not printed or published, or that shall hereafter be made and composed, being a citizen or citizens of these U. S. or resident therein, and his or their executors, administrators or assigns, shall have the sole right and liberty of printing, reprinting, publishing and vending such map, chart, book or books, for the like term of 14 years from the time of recording the title thereof in the clerk's office as aforesaid. And if, at the expiration of the said term, the author or authors, or any of them, be living, and a citizen or citizens of these U. S. or resident therein, the same exclusive right shall be continued to him or them, his or their executors, administrators or assigns, for the further term of 14 years : *Provided*, he or they shall cause the title thereof to be a second time recorded and published in the same manner as is herein after directed, and that within six months before the expiration of the first term of 14 years aforesaid. *May 31. 1790, c. 15, §. 1.*

2. If any other person or persons, from and after the recording the title of any map, chart, book or books, and publishing the same as aforesaid, and within the times limited and granted by this act, shall print, reprint, publish, or import, or cause to be printed, reprinted, published or imported from any foreign kingdom or state, any copy or copies of such map, chart, book or books, without the consent of the author or proprietor thereof, first had and obtained in writing, signed in the presence of two or more credible witnesses ; or knowing the same to be so printed, reprinted, or imported, shall publish, sell, or expose to sale, or cause to be published, sold, or exposed to sale, any copy of such map, chart, book or books, without such consent first had and obtained in writing as aforesaid, then such offender or offenders shall forfeit all and every copy and copies of such map, chart, book or books, and all and every sheet and sheets, being part of the same, or either of them, to the author or proprietor of such map, chart, book or books, who shall forthwith destroy the same : And every such offender and offenders shall also forfeit and pay the sum of 50 cents for every sheet which shall be found in his or their possession, either printed or printing, published, imported or exposed to sale, contrary to the true intent and meaning of this act, the one moiety thereof to the author or proprietor of such map, chart, book or books who shall sue for the same, and the other moiety thereof, to and for the use of the U. S. to be recovered by action of debt in any court of record in the U. S. wherein the same is cognizable. *Provided always*, That such action be commenced within one year after the cause of action shall arise, and not afterwards. *ibid. §. 2.*

3. No person shall be entitled to the benefit of this act, in cases where any map, chart, book or books, hath or have been already printed and published, unless he shall first deposit, and in all other cases, unless he shall before publication deposit a printed copy of the title of such map, chart, book or books, in the clerk's office of the district court where the author or proprietor shall reside; And the clerk of such court is hereby directed and required to record the same forthwith, in a book to be kept by him for that purpose, in the words following, (giving a copy thereof to the said author or proprietor, under the seal of the court, if he shall require the same.) "District of \_\_\_\_\_ to wit: *Be it re-*

*membered*, That on the \_\_\_\_\_ day of \_\_\_\_\_ in the \_\_\_\_\_ year of the independence of the United States of America, A. B. of the said district, hath deposited in this office the title of a map, chart, book or books, (as the case may be) the right whereof he claims as author or proprietor, (as the case may be) in the words following, to wit. [here insert the title] in conformity to the act of the Congress of the United States, intituled, "An act for the encouragement of learning, by securing the copies of maps, charts, and books to the authors and proprietors of such copies, during the times therein mentioned." C. D. clerk of the district of \_\_\_\_\_."

For which the said clerk shall be entitled to receive 60 cents from the said author or proprietor, and 60 cents for every copy under seal actually given to such author or proprietor as aforesaid. And such author or proprietor shall, within two months from the date thereof, cause a copy of the said record to be published in one or more of the newspapers printed in the U. S. for the space of 4 weeks. *ibid.* § 3.

4. The author or proprietor of any such map, chart, book or books, shall, within six months after the publishing thereof, deliver, or cause to be delivered to the Secretary of State a copy of the same, to be preserved in his office. *ibid.* § 4.

5. Nothing in this act shall be construed to extend to prohibit the importation or vending, reprinting or publishing within the U. S. of any map, chart, book or books, written, printed, or published by any person not a citizen of the U. S. in foreign parts or Places without the jurisdiction of the U. S. *ibid.* § 5.

6. Any person or persons who shall print or publish any manuscript, without the consent and approbation of the author or proprietor thereof, first had and obtained as aforesaid, (if such author or proprietor be a citizen of, or resident in these U. S.) shall be liable to suffer and pay to the said author or proprietor all damages occasioned by such injury, to be recovered by a special action on the case founded upon this act, in any court having cognizance thereof. *ibid.* § 6.

7. If any person or persons shall be sued or prosecuted for any matter, act or thing done under or by virtue of this act, he or they may plead the general issue, and give the special matter in evidence. *ibid.* § 7.





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## Crimes.

1. **I**F any person or persons, owing allegiance to the U. S. of America, shall levy war against them, or shall adhere to their enemies, giving them aid and comfort within the U. S. or elsewhere, and shall be thereof convicted, on confession in open court, or on the testimony of two witnesses to the same overt act of the treason whereof he or they shall stand indicted, such person or persons shall be adjudged guilty of treason against the U. S. and shall suffer death. *April. 30, 1790, c. 9, § 1.*

2. If any person or persons, having knowledge of the commission of any of the treasons aforesaid, shall conceal and not as soon as may be disclose and make known the same to the President of the U. S. or some one of the judges thereof, or to the President or Governor of a particular state, or some one of the judges or justices thereof, such person or persons on conviction shall be adjudged guilty of misprision of treason, and shall be imprisoned not exceeding 7 years, and fined not exceeding 1000 dollars. *ibid. § 2.*

3. If any person or persons shall, within any fort, arsenal, dock-yard, magazine, or in any other place or district of country, under the sole and exclusive jurisdiction of the U. S. commit the crime of wilful murder, such person or persons on being thereof convicted, shall suffer death. *ibid. § 3.*

4. The court before whom any person shall be convicted of the crime of murder, for which he or she shall be sentenced to suffer death, may at their discretion, add to the judgment, that the body of such offender shall be delivered to a surgeon for dissection; and the marshal who is to cause such sentence to be executed, shall accordingly deliver the body of such offender, after execution done, to such surgeon as the court shall direct, for the purpose aforesaid: *Provided*, That such surgeon, or some other person by him appointed for the purpose, shall attend to receive and take away the dead body at the time of the execution of such offender. *ibid. § 4.*

5. If any person or persons shall, after such execution had, by force rescue or attempt to rescue the body of such offender out of the custody of the marshal or his officers, during the conveyance of such body to any place for dissection as aforesaid; or shall by force rescue or attempt to rescue such body from the house of any surgeon, where the same shall have been deposited, in pursuance of this act; every person so offending, shall be liable to a fine not exceeding 100 dollars, and an imprisonment not exceeding 12 months. *ibid. § 5.*

6. If any person or persons having knowledge of the actual commission of the crime of wilful murder or other felony, upon the high seas, or within any fort, arsenal, dock-yard, magazine, or other place or district of country, under the sole and exclusive jurisdiction of the U. S. shall conceal, and not as soon as may be disclose and make known the same to some one of the judges or other persons in civil or military authority under the U. S. on conviction



tion thereof, such person or persons shall be adjudged guilty of misprision of felony, and shall be imprisoned not exceeding 3 years, and fined not exceeding 500 dollars. *ibid.* § 6.

7. If any person or persons shall, within any fort, arsenal, dock-yard, magazine, or other place or district of country, under the sole and exclusive jurisdiction of the U. S. commit the crime of man-slaughter, and shall be thereof convicted, such person or persons shall be imprisoned not exceeding 3 years, and fined not exceeding 1000 dollars. *ibid.* 7.

8. If any person or persons shall commit upon the high seas, or in any river, haven, basin or bay, out of the jurisdiction of any particular state, murder or robbery, or any other offence which if committed within the body of a county, would by the laws of the U. S. be punishable with death; or if any captain or mariner of any ship or other vessel, shall piratically and feloniously run away with such ship or vessel, or any goods or merchandize to the value of 50 dollars, or yield up such ship or vessel voluntarily to any pirate; or if any seaman shall lay violent hands upon his commander, thereby to hinder and prevent his fighting in defence of his ship or goods committed to his trust, or shall make a revolt in the ship; every such offender shall be deemed, taken and adjudged to be a pirate and felon, and being thereof convicted, shall suffer death: and the trial of crimes committed on the high seas, or in any place out of the jurisdiction of any particular state, shall be in the district where the offender is apprehended, or into which he may first be brought. *ibid.* § 8.

9. If any citizen shall commit any piracy or robbery aforesaid, or any act of hostility against the U. S. or any citizen thereof, upon the high sea, under color of any commission from any foreign prince, or state, or on pretence of authority from any person, such offender shall, notwithstanding the pretence of any such authority, be deemed, adjudged and taken to be a pirate, felon; and robber, and on being thereof convicted, shall suffer death. *ibid.* § 9.

10. Every person who shall, either upon the land or the seas, knowingly and wittingly aid and assist, procure, command, counsel or advise any person or persons, to do or commit any murder or robbery, or other piracy aforesaid, upon the seas, which shall affect the life of such person, and such person or persons shall thereupon do or commit any such piracy or robbery, then all and every such person so as aforesaid aiding, assisting, procuring, commanding, counselling or advising the same, either upon the land or the sea, shall be, and they are hereby declared, deemed and adjudged to be accessory to such piracies before the fact, and every such person being thereof convicted shall suffer death. *ibid.* § 10.

11. After any murder, felony, robbery, or other piracy whatsoever aforesaid, is or shall be committed by any pirate or robber, every person who knowing that such pirate or robber has done or committed any such piracy or robbery, shall on the land or at sea receive, entertain or conceal any such pirate or robber, or re-

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ceive or take into his custody any ship, vessel, goods or chattels, which have been by any such pirate or robber piratically and feloniously taken, shall be, and are hereby declared, deemed and adjudged to be accessory to such piracy or robbery, after the fact; and on conviction thereof, shall be imprisoned not exceeding 3 years, and fined not exceeding 500 dollars. *ibid.* § 11.

12. If any seaman or other person shall commit man-slaughter upon the high seas, or confederate or attempt or endeavour to corrupt any commander, master, officer or mariner, to yield up or to run away with any ship or vessel, or with any goods, wares, or merchandize, or to turn pirate, or to go over to or confederate with pirates, or in any wise trade with any pirate knowing him to be such, or shall furnish such pirate with any ammunition, stores or provisions of any kind, or shall fit out any vessel knowingly, and with a design to trade with or supply or correspond with any pirate or robber upon the seas; or if any person or persons shall any ways consult, combine, confederate or correspond with any pirate or robber on the seas, knowing him to be guilty of any such piracy or robbery; or if any seaman shall confine the master of any ship or other vessel, or endeavour to make a revolt in such ship, such person or persons so offending, and being thereof convicted, shall be imprisoned not exceeding 3 years, and fined not exceeding 1000 dollars. *ibid.* § 12.

13. If any person or persons, within any of the places upon the land under the sole and exclusive jurisdiction of the U. S. or upon the high seas, in any vessel belonging to the U. S. or to any citizen or citizens thereof, on purpose and of malice aforethought, shall unlawfully cut off the ear or ears, or cut out or disable the tongue, put out an eye, slit the nose, cut off the nose or a lip, or cut off or disable any limb or member of any person, with intention in so doing to maim or disfigure such person in any the manners before mentioned, then and in every such case the person or persons so offending, their counsellors, aiders and abettors (knowing of and privy to the offence aforesaid) shall on conviction, be imprisoned not exceeding 7 years, and fined not exceeding 1000 dollars. *ibid.* § 13.

14. If any person or persons shall falsely make, alter, forge or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly act or assist in the false making, altering, forging or counterfeiting any certificate, indent, or other public security of the U. S. or shall utter, put off, or offer, or cause to be uttered, put off or offered in payment or for sale any such false, forged, altered or counterfeited certificate, indent or other public security, with intention to defraud any person, knowing the same to be false, altered, forged, or counterfeited, and shall be thereof convicted, every such person shall suffer death. *ibid.* § 14.

15. If any person shall feloniously steal, take away, alter, falsify, or otherwise avoid any record, writ, process, or other proceedings in any of the courts of the U. S. by means whereof any judgment

shall be reversed, made void, or not take effect, or if any person shall acknowledge or procure to be acknowledged in any of the courts aforesaid, any recognizance, bail or judgment, in the name or names of any other person or persons not privy or consenting to the same, every such person or persons on conviction thereof, shall be fined not exceeding 5000 dollars, or be imprisoned not exceeding 7 years, and whipped not exceeding 39 stripes. *Provided nevertheless*, That this act shall not extend to the acknowledgment of any judgment or judgments by any attorney or attorneys, duly admitted for any person or persons against whom any such judgment or judgments shall be had or given. *ibid*, § 15.

16 If any person within any of the places under the sole and exclusive jurisdiction of the U. S. or upon the high seas, shall take and carry away, with an intent to steal or purloin the personal goods of another; or if any person or persons, having at any time hereafter the charge or custody of any arms, ordnance, munition, shot, powder, or habiliments of war belonging to the U. S. or of any victuals provided for the victualing of any soldiers, gunners, marines or pioneers, shall for any lucre or gain, or wittingly, advisedly, and of purpose to hinder or impede the service of the U. S. embezzle, purloin or convey away any of the said arms, ordnance, munition, shot or powder, habiliments of war, or victuals, that then and in every of the cases aforesaid, the person or persons so offending, their counsellors, aiders and abettors (knowing of and privy to the offences aforesaid) shall, on conviction, be fined not exceeding the fourfold value of the property so stolen, embezzled or purloined; the one moiety to be paid to the owner of the goods, or the U. S. as the case may be, and the other moiety to the informer and prosecutor, and be publicly whipped, not exceeding 39 stripes. *ibid*, § 16.

17. If any person or persons within any part of the jurisdiction of the U. S. as aforesaid, shall receive or buy any goods or chattels that shall be feloniously taken or stolen from any other person, knowing the same to be stolen, or shall receive, harbour or conceal any felons or thieves, knowing them to be so, he or they being of either of the said offences legally convicted, shall be liable to the like punishments as in the case of larceny before are prescribed. *ibid*. § 17.

18. If any person shall wilfully and corruptly commit perjury, or shall by any means procure any person to commit corrupt and wilful perjury, on his or her oath or affirmation in any suit, controversy, matter or cause depending in any of the courts of the U. S. or in any deposition taken pursuant to the laws of the U. S. every person so offending, and being thereof convicted, shall be imprisoned not exceeding 3 years, and fined not exceeding 800 dollars; and shall stand in the pillory for 1 hour, and be thereafter rendered incapable of giving testimony in any of the courts of the U. S. until such time as the judgment so given against the said offender shall be reversed. *ibid*. § 18.

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gainst any person for wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and by what court, or before whom the oath or affirmation was taken, (averring such court, or person or persons to have a competent authority to administer the same) together with the proper averment or averments to falsify the matter or matters wherein the perjury or perjuries is or are assigned; without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding, either in law or equity, other than as aforesaid, and without setting forth the commission or authority of the court, or person or persons before whom the perjury was committed. *ibid.* § 19.

20. In every presentment or indictment for subornation of perjury, or for corrupt bargaining or contracting with others to commit wilful and corrupt perjury, it shall be sufficient to set forth the substance of the offence charged upon the defendant, without setting forth the bill, answer, information, indictment, declaration, or any part of any record or proceeding, either in law or equity, and without setting forth the commission or authority of the court, or person or persons before whom the perjury was committed, or was agreed or promised to be committed. *ibid.* § 20.

21. If any person shall, directly or indirectly, give any sum or sums of money, or any other bribe, present or reward, or any promise, contract, obligation or security, for the payment or delivery of any money, present or reward, or any other thing to obtain or procure the opinion, judgment or decree of any judge or judges of the U. S. in any suit, controversy, matter or cause depending before him or them, and shall be thereof convicted, such person or persons so giving, promising, contracting or securing to be given, paid or delivered, any sum or sums of money, present, reward or other bribe as aforesaid, and the judge or judges who shall in any wise accept or receive the same, on conviction thereof shall be fined and imprisoned at the discretion of the court; and shall forever be disqualified to hold any office of honor, trust or profit under the U. S. *ibid.* § 21.

22. If any person or persons shall knowingly and wilfully obstruct, resist or oppose any officer of the U. S. in serving or attempting to serve or execute any mesne process, or warrant, or any rule or order of any of the courts of the U. S. or any other legal or judicial writ or process whatsoever, or shall assault, beat or wound any officer; or other person duly authorized in serving or executing any writ, rule, order, process or warrant aforesaid, every person so knowingly and wilfully offending in the premises, shall, on conviction thereof, be imprisoned not exceeding 12 months, and fined not exceeding 300 dollars. *ibid.* § 22.

23. If any person or persons, shall by force set at liberty, or rescue any person who shall be found guilty of treason, murder, or any other capital crime, or rescue any person convicted of any of the said crimes, going to execution, or during execution, every person so offending, and being thereof convicted, shall suffer death.



And if any person shall by force set at liberty, or rescue any person who before conviction shall stand committed for any of the capital offences aforesaid; or if any person or persons shall by force set at liberty, or rescue any person committed for or convicted of any other offence against the U. S. every person so offending, shall, on conviction, be fined not exceeding 500 dollars, and imprisoned not exceeding 1 year. *ibid.* § 23.

24. No conviction or judgment for any of the offences aforesaid, shall work corruption of blood, or any forfeiture of estate *ibid.* § 24.

25. If any writ or process shall at any time hereafter be sued forth or prosecuted by any person or persons, in any of the courts of the U. S. or in any of the courts of a particular state, or by any judge or justice therein respectively, whereby the person of any ambassador or other public minister of any foreign prince or state, authorised and received as such by the president of the U. S. or any domestic or domestic servant of any such ambassador or other public minister, may be arrested or imprisoned, or his or their goods or chattels be distrained, seized or attached, such writ or process shall be deemed and adjudged to be utterly null and void to all intents, construction and purposes whatsoever. *ibid.* § 25.

26. In case any person or persons shall sue forth or prosecute any such writ or process, such person or persons, and all attorneys or solicitors prosecuting or soliciting in such case, and all officers executing any such writ or process, being thereof convicted, shall be deemed violaters of the laws of nations, and disturbers of the public repose, and imprisoned not exceeding 3 years, and fined at the discretion of the court. *ibid.* § 26.

27. But no citizen or inhabitant of the U. S. who shall have contracted debts prior to his entering into the service of any ambassador or other public minister, which debts shall be still due and unpaid, shall have, take or receive any benefit of this act; nor shall any person be proceeded against by virtue of this act, for having arrested or sued any other domestic servant of any ambassador or other public minister, unless the name of such servant be first registered in the office of the Secretary of state, and by such Secretary transmitted to the marshal of the district in which Congress shall reside, who shall upon receipt thereof affix the same in some public place in his office, whereto all persons may resort and take copies without fee or reward. *ibid.* § 27.

28. If any person shall violate any safe-conduct or passport duly obtained and issued under the authority of the U. S. or shall assault, strike, wound, imprison, or in any other manner infract the law of nations, by offering violence to the person of an ambassador or other public minister, such person so offending, on conviction, shall be imprisoned not exceeding 3 years, and fined at the discretion of the court. *ibid.* § 28.

29. Any person who shall be accused and indicted of treason, shall have a copy of the indictment, and a list of the jury and witnesses, to be produced on the trial for proving the said indictment,

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mentioning the names and places of abode of such witnesses and jurors, delivered unto him at least 3 entire days before he shall be tried for the same; and in other capital offences, shall have such copy of the indictment and list of the jury 2 entire days at least before the trial: And every person so accused and indicted for any of the crimes aforesaid, shall also be allowed and admitted to make his full defence by counsel learned in the law; and the court before whom such person shall be tried, or some judge thereof, shall, and they are hereby authorised and required immediately upon his request, to assign to such person such counsel, not exceeding two, as such person shall desire, to whom such counsel shall have free access at all seasonable hours; and every such person or persons accused or indicted of the crimes aforesaid, shall be allowed and admitted in his said defence to make any proof that he or they can produce, by lawful witness or witnesses, and shall have the like process of the court where he or they shall be tried, to compel his or their witnesses to appear at his or their trial, as is usually granted to compel witnesses to appear on the prosecution against them. *ibid.* § 29.

30. If any person or persons be indicted of treason against the U. S. and shall stand mute or refuse to plead, or shall challenge peremptorily above the number of 35 of the jury; or if any person or persons be indicted of any other of the offences herein before set forth, for which the punishment is declared to be death, if he, or they shall also stand mute or will not answer to the indictment or challenge peremptorily above the number of 20 persons of the jury; the court in any of the cases aforesaid, shall notwithstanding proceed to the trial of the person or persons so standing mute or challenging, as if he or they had pleaded not guilty, and render judgment thereon accordingly. *ibid.* § 30.

31. The benefit of clergy shall not be used or allowed, upon conviction of any crime, for which, by any statute of the U. S. the punishment is or shall be declared to be death. *ibid.* § 31.

32. No person or persons shall be prosecuted, tried or punished for treason or other capital offence aforesaid, wilful murder or forgery excepted, unless the indictment for the same shall be found by a grand jury within 3 years next after the treason or capital offence aforesaid shall be done or committed; nor shall any person be prosecuted, tried or punished for any offence not capital, nor for any fine or forfeiture under any penal statute, unless the indictment or information for the same shall be found or instituted within 2 years from the time of committing the offence, or incurring the fine or forfeiture aforesaid: *Provided*, That nothing herein contained shall extend to any person or persons fleeing from justice. *ibid.* § 32.

33. The manner of inflicting the punishment of death, shall be by hanging the person convicted by the neck until dead. *ibid.* § 33.

34. If any citizen of the U. S. shall, within the territory or jurisdiction of the same, accept and exercise a commission to serve

a foreign prince or state in war, by land or sea, the person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not more than 2000 dollars, and shall be imprisoned not exceeding 3 years June 5, 1794, c. 50, § 1. *cont. for 2 years &c. further cont. by March 1797, c. 59, for 2 years and to the end of the next session thereafter.*

35. If any person shall within the territory or jurisdiction of the U. S. enlist or enter himself, or hire or retain another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the U. S. with intent to be enlisted or entered in the service of any foreign prince or state as a soldier, or as a marine or seaman on board of any vessel of war, letter of marque or privateer, every person so offending shall be deemed guilty of a high misdemeanor, and shall be fined not exceeding 1000 dollars, and be imprisoned not exceeding 3 years. *Provided*, That this shall not be construed to extend to any subject or citizen of a foreign prince or state, who shall transiently be within the U. S. and shall on board of any vessel of war, letter of marque or privateer, which, at the time of its arrival within the U. S. was fitted and equipped as such, enlist or enter himself, or hire or retain another subject or citizen of the same foreign prince or state, who is transiently within the U. S. to enlist or enter himself to serve such prince or state on board such vessel of war, letter of marque or privateer, if the U. S. shall then be at peace with such prince or state. *And provided further*, That if any person so enlisted, shall, within 30 days after such enlistment, voluntarily discover, upon oath, to some justice of the peace, or other civil magistrate, the person or persons by whom he was so enlisted, so as that he or they may be apprehended and convicted of the said offence; such person so discovering the offender or offenders, shall be indemnified from the penalty prescribed by this act. *ibid.* § 2.

36. If any person shall, within any of the ports, harbours, bays, rivers, or other waters of the U. S. fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly be concerned in the furnishing, fitting out or arming of any ship or vessel, with intent that such ship or vessel shall be employed in the service of any foreign prince or state, to cruise or commit hostilities upon the subjects, citizens or property of another foreign prince or state, with whom the U. S. are at peace, or shall issue or deliver a commission within the territory or jurisdiction of the U. S. for any ship or vessel, to the intent that she may be employed as aforesaid, every such person, so offending, shall, upon conviction, be adjudged guilty of a high misdemeanor, and shall be fined and imprisoned at the discretion of the court in which the conviction shall be had, so as the fine to be imposed shall in no case be more than 5000 dollars, and the term of imprisonment shall not exceed 3 years, and every such ship or vessel, with her tackle, apparel and furniture, together with all materials, arms, ammunition and stores, which may have been procured for the building and equipment thereof, shall be forfeit-

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ed, one half to the use of any person who shall give information of the offence, and the other half to the use of the U. S. *ibid* § 3.

37. If any person shall within the territory or jurisdiction of the U. S. encrease or augment, or procure to be encreased or augmented, or shall be knowingly concerned in encreasing or augmenting the force of any ship of war, cruiser or other armed vessel which at the time of her arrival within the U. S. was a ship of war, cruiser or armed vessel in the service of a foreign prince or state, or belonging to the subjects or citizens of such prince or state, the same being at war with another foreign prince or state with whom the U. S. are at peace, by adding to the number or size of the guns of such vessel prepared for use, or by the addition thereto of any equipment solely applicable to war, every such person so offending shall, upon conviction, be adjudged guilty of a misdemeanor, and shall be fined and imprisoned at the discretion of the court, in which the conviction shall be had, so as that such fine shall not exceed 1000 dollars, nor the term of imprisonment be more than 1 year. *ibid.* § 4.

38. If any person shall within the territory or jurisdiction of the U. S. begin or set on foot, or provide or prepare the means for any military expedition or enterprize to be carried on from thence against the territory or dominions of any foreign prince or state with whom the U. S. are at peace, every such person so offending, shall, upon conviction, be adjudged guilty of a high misdemeanor, and shall suffer fine and imprisonment at the discretion of the court in which the conviction shall be had, so as that such fine shall not exceed 3000 dollars, nor the term of imprisonment be more than 3 years. *ibid.* § 5.

39. The district courts shall take cognizance of complaints, by whomsoever instituted, in cases of captures made within the waters of the U. S. or within a marine league of the coasts or shores thereof. *ibid.* § 6.

40. In every case in which a vessel shall be fitted out and armed, or attempted so to be fitted out or armed, or in which the force of any vessel of war, cruiser or other armed vessel shall be encreased or augmented, or in which any military expedition or enterprize shall be begun or set on foot contrary to the prohibitions and provisions of this act: and in every case of the capture of a ship or vessel within the jurisdiction or protection of the U. S. as above defined, and in every case in which any process issuing out of any court of the U. S. shall be disobeyed or resisted by any person or persons having the custody of any vessel of war, cruiser or other armed vessel of any foreign prince or state, or of the subjects or citizens of such prince or state: In every such case it shall be lawful for the President of the U. S. or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the U. S. or of the militia thereof as shall be judged necessary for the purpose of taking possession of, and detaining any such ship or vessel, with her prize or prizes, if any, in order to the execution of the prohibitions and penalties of this

act, and to the restoring such prize or prizes, in the cases in which restoration shall have been adjudged, and also for the purpose of preventing the carrying on of any such expedition or enterprize from the territories of the U. S. against the territories or dominions of a foreign prince or state, with whom the U. S. are at peace. *ibid.* § 7.

41. It shall be lawful for the President of the U. S. or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the U. S. or of the militia thereof, as shall be necessary to compel any foreign ship, or vessel, to depart the U. S. in all cases in which by the laws of nations or the treaties of the U. S. they ought not to remain within the U. S. *ibid.* § 8.

42. Nothing in the foregoing act shall be construed to prevent the prosecution or punishment of treason or any piracy defined by a treaty or other law of the U. S. *ibid.* § 9.

43. If any persons shall unlawfully combine or conspire together, with intent to oppose any measure or measures of the government of the U. S. which are or shall be directed by proper authority, or to impede the operation of any law of the U. S. or to intimidate or prevent any person holding a place or office in or under the government of the U. S. from undertaking, performing or executing his trust or duty; and if any person or persons, with intent as aforesaid, shall counsel, advise or attempt to procure any insurrection, riot, unlawful assembly, or combination, whether such conspiracy, threatening, counsel, advise, or attempt shall have the proposed effect or not, he or they shall be deemed guilty of a high misdemeanor, and on conviction, before any court of the U. S. having jurisdiction thereof, shall be punished by a fine not exceeding 5000 dollars, and by imprisonment during a term not less than 6 months nor exceeding 5 years; and further, at the discretion of the court, may be holden to find sureties for his good behaviour in such sum, and for such time, as the said court may direct, July 14, 1798, c. 91, § 1.

44. If any person shall write, print, utter or publish, or shall cause or procure to be written, printed, uttered or published, or shall knowingly and willingly assist or aid in writing, printing, uttering or publishing any false, scandalous and malicious writing or writings against the government of the U. S. or either house of the Congress of the U. S. or the President of the U. S. with intent to defame the said government, or either house of the said Congress, or the said President, or to bring them, or either of them, into contempt or disrepute; or to excite against them, or either or any of them, the hatred of the good people of the U. S. or to stir up sedition within the U. S. or to excite any unlawful combinations therein, for opposing or resisting any law of the U. S. or any act of the President of the U. S. done in pursuance of any such law, or of the powers in him vested by the constitution of the U. S. or to resist, oppose, or defeat any such law or act; or to aid, encourage or abet any hostile designs of any foreign nation against

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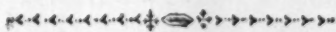
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the U. S. their people or government, then such person, being thereof convicted before any court of the U. S. having jurisdiction thereof, shall be punished by a fine not exceeding 2000 dollars, and by imprisonment not exceeding 2 years. *ibid.* § 2.

45. If any person shall be prosecuted under this act, for the writing or publishing any libel aforesaid, it shall be lawful for the defendant, upon the trial of the cause, to give in evidence in his defence, the truth of the matter contained in the publication charged as a libel. And the jury who shall try the cause, shall have a right to determine the law and the fact, under the direction of the court, as in other cases. *ibid.* § 3.

46. This act shall continue and be in force until the 3 day of March, 1801: *Provided*, That the expiration of the act shall not prevent or defeat a prosecution and punishment of any offence against the law, during the time it shall be in force. *ibid.* § 4.

47. If any person, being a citizen of the U. S. whether he be actually resident, or abiding within the U. S. or in any foreign country, shall, without the permission or authority of the government of the U. S. directly or indirectly, commence, or carry on, any verbal or written correspondence or intercourse with any foreign government, or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign government, or of any officer or agent thereof, in relation to any disputes or controversies with the U. S. or defeat the measures of the government of the U. S. or if any person, being a citizen of, or resident within the U. S. and not duly authorized, shall counsel, advise, aid or assist in any such correspondence, with intent, as aforesaid, he or they shall be deemed guilty of a high misdemeanor, and on conviction before any court of the U. S. having jurisdiction thereof, shall be punished by a fine not exceeding 5000 dollars, and by imprisonment during a term not less than 6 months, nor exceeding 3 years: *Provided always*, That nothing in this act contained shall be construed to abridge the right of individual citizens of the U. S. to apply, by themselves, or their lawful agents, to any foreign government, or the agents thereof, for the redress of any injuries in relation to person or property which such individuals may have sustained from such government, or any of its agents, citizens or subjects. Jan. 30, 1799, c. 107. See *Constitution*, art. 3, sec. 2, 3.



## Debts due to the United States.

1. **T**HE Comptroller of the Treasury is hereby authorized, to issue a notification to any person who has received monies for which he is accountable to the U. S. or to the executor or administrator of such person, if he be deceased, requiring him to render to the Auditor of the Treasury, at such time as he shall think



reasonable, according to the circumstances of the case, within 12 months from the date of such notification, all his accounts and vouchers, for the expenditure of the said monies ; and in default thereof, suits shall, at the discretion of the Comptroller of the Treasury, be commenced for the same, without further notice : And the party sued, as aforesaid, shall be subject to the costs and charges of such suits, whether the ultimate decision shall be in his favor or against him. March 3, 1795, c. 113, § 1.

2. The marshals of the respective districts are hereby authorized and directed, to serve the said notifications on the parties therein named, by leaving copies thereof at their respective dwellings, or usual places of abode, at least 4 months, before the time fixed in such notification, for rendering their accounts, as aforesaid, and the return of the said notifications to the Comptroller's office, with the marshal's certificate thereon, that such service has been made, shall be deemed legal evidence in the district or circuit courts, of the proceedings, and for the recovery of costs and charges. And in cases, where accounts shall be rendered to the Auditor of the Treasury, within the time limited in the notifications aforesaid, he shall immediately proceed to liquidate the credits to be passed for the said accounts, and report the same to the Comptroller, with a particular list of any claims which shall have been disallowed by him. And the Comptroller of the Treasury shall immediately proceed to the examination of the credits allowed by the Auditor, and if the same be approved by him, that he cause credit therefor to be passed on the public books. And the Comptroller shall also appoint a day, for hearing the claimant on the claims so disallowed by the Auditor, as aforesaid. *ibid.* § 2.

3. A list of all such credits aforesaid, as shall have been claimed, and not admitted by the Comptroller, shall be made out and transmitted to the marshal of the district, where the claimant resides ; and a copy thereof served on the claimant, or left at his dwelling, or last usual place of abode, with notice of the time assigned by the Comptroller, for the final hearing, as aforesaid, at least 4 months before such hearing ; of which proceedings, the marshal is hereby directed to transmit an official return to the Comptroller. And in case of an omission or neglect, on the part of the claimant, to assign, in writing, or otherwise, his reasons to the Comptroller, within the time limited, as aforesaid, why the suspended credits should be admitted, all future claims therefor are hereby forever barred. But in case the claimant shall, within the time aforesaid, assign in writing, or otherwise, his reasons why the suspended credits should be admitted, the Comptroller shall immediately consider the same, and decide thereon, according to the principles of equity, and the usages of the Treasury department. *ibid.* § 3.

4. In all cases, where the final decision of the Comptroller shall be against the claimant, such determination shall be final and conclusive to all concerned. *ibid.* § 4.

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5. When any revenue officer, or other person accountable for public money, shall neglect or refuse to pay into the Treasury, the sum or balance reported to be due to the U. S. upon the adjustment of his account, it shall be the duty of the Comptroller to institute suit for the recovery of the same, adding to the sum slated to be due on such account, the commissions of the delinquent, which shall be forfeited in every instance where suit is commenced, and judgment obtained thereon, and an interest of 6 per cent. per annum, from the time of receiving the money, until it shall be repaid into the Treasury. March 3, 1797, c. 74, § 1

6. In every case of delinquency, where suit has been, or shall be instituted, a transcript from the books and proceedings of the Treasury certified by the register, and authenticated under the seal of the department, shall be admitted as evidence, and the court trying the cause, shall be thereupon authorized to grant judgment, and award execution, accordingly. And all copies of bonds, contracts, or other papers relating to, or connected with the settlement of any account between the U. S. and an individual, when certified by the Register to be true copies of the originals on file, and authenticated under the seal of the department, as aforesaid, may be annexed to such transcripts, and shall have equal validity, and be entitled to the same degree of credit, which would be due to the original papers, if produced and authenticated in court: *Provided*, That where suit is brought upon a bond, or other sealed instrument, and the defendant shall plead "*non est factum*," or upon motion to the court, such plea or motion being verified by the oath or affirmation of the defendant, it shall be lawful for the court to take the same into consideration, and (if it shall appear to be necessary for the attainment of justice) to require the production of the original bond, contract or other paper specified in such affidavit. *ibid.* § 2.

7. Where suit shall be instituted against any person or persons indebted to the U. S. as aforesaid, it shall be the duty of the court where the same may be pending, to grant judgment at the return-term, upon motion, unless the defendant shall, in open court, (the U. S. attorney being present) make oath or affirmation, that he is equitably entitled to credits, which had been, previous to the commencement of the suit, submitted to the consideration of the accounting officers of the Treasury, and rejected; specifying each particular claim, so rejected in the affidavit; and that he cannot then come safely to trial. Oath or affirmation to this effect being made, subscribed and filed, if the court be thereupon satisfied, a continuance, until the next succeeding term, may be granted; but not otherwise, unless as provided in the preceding section. *ibid.* § 3.

8. In suits between the U. S. and individuals, no claim for a credit shall be admitted, upon trial, but such as shall appear to have been presented to the accounting officers of the Treasury, for their examination, and by them disallowed, in whole or in part, unless it should be proved, to the satisfaction of the court,

that the defendant is, at the time of trial, in possession of vouchers not before in his power to procure, and that he was prevented from exhibiting a claim for such credit, at the Treasury, by absence from the U. S. or some unavoidable accident. *ibid.* § 4.

9. Where any revenue-officer, or other person hereafter becoming indebted to the U. S. by bond or otherwise, shall become insolvent, or where the estate of any deceased debtor, in the hands of executors or administrators, shall be insufficient to pay all the debts due from the deceased, the debt due to the U. S. shall be first satisfied; and the priority hereby established, shall be deemed to extend, as well to cases in which a debtor, not having sufficient property to pay all his debts, shall make a voluntary assignment thereof, or in which the estate and effects of an absconding, concealed, or absent debtor, shall be attached by process of law, as to cases in which an act of legal bankruptcy shall be committed. *ibid.* § 5.

10. All writs of execution upon any judgment obtained for the use of the U. S. in any of the courts of the U. S. in one state, may run and be executed in any other state, or in any of the territories of the U. S. but shall be issued from, and made returnable to the court where the judgment was obtained. *ibid.* § 6.

11. Nothing in this act shall be construed to repeal, take away, or impair any legal remedy or remedies for the recovery of debts now due, or hereafter to be due to the U. S. in law or equity, from any person or persons whatsoever, which remedy or remedies might be used if this act was not in force. *ibid.* § 7.

12. If any state, against which a balance was reported by the Commissioners appointed to settle the accounts between the U. S. and the several states, shall, on or before the 1 April 1800, by a legislative act, engage to pay into the Treasury of the U. S. within 5 years after passing such legislative act, or to expend, within the time last mentioned, in erecting, enlarging or completing any fortifications for the defence of the U. S. at such place or places, the jurisdiction whereof, having been, previously to such expenditure, ceded by such state to the U. S. with reservation that process civil and criminal issuing under authority of such state, may be served and executed therein, and according to such plan or plans as shall be approved by the President of the U. S. a sum in money, or in stock of the U. S. equal to the balance reported as aforesaid, against such state, or the sum assumed by the U. S. in the debt of such state, such payment or expenditure, when so made, shall be accepted by the U. S. as a full discharge of all demands on account of said balance; and the President of the U. S. is authorized to cause credit to be given to such state on the books of the Treasury of the U. S. accordingly: *Provided however*, That no more than one third part of the whole payment or expenditure that may be made by any such state shall be made in 3 per cent stock, nor more than one third part of the remaining two thirds shall be made in deferred stock: *And provided also*, That any such state may obtain a full discharge, as aforesaid, by the payment or ex-

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penditure of a sum of money, sufficient in the opinion of the Secretary of the Treasury, to purchase, at market price, the different species of stock, the payment or expenditure of which would be accepted as a full discharge, as aforesaid. Feb. 15, 1799, c. 109, § 1.

13. If any such state as aforesaid, shall have expended since the establishment of the present government of the U. S. any sum of money in fortifying any place since ceded by such state to the U. S. or which may be so ceded, within 1 year after the passing of this act, such expenditure having been ascertained and proved to the satisfaction of the Secretary of the Treasury, shall be taken and allowed as part of the expenditure intended by this act. *ibid.* § 2.



## *Debts of the United States.*

1. **R**ESERVING out of the monies which have arisen since the last day of Dec. last past, and which shall hereafter arise from the duties on goods, wares and merchandize imported into the U. S. and on the tonnage of ships or vessels, the yearly sum of 600,000 dollars, or so much thereof as may be appropriated from time to time, towards the support of the government of the U. S. and their common defence, the residue of the said monies, or so much thereof, as may be necessary, as the same shall be received in each year, next after the sum reserved as aforesaid, shall be appropriated to the payment of the interest which shall from time to time become due on the loans heretofore made by the U. S. in foreign countries; and also to the payment of interest on such further loans as may be obtained for discharging the arrears of interest thereupon, and the whole or any part of the principal thereof; to continue so appropriated until the said loans, as well those already made as those which may be made in virtue of this act, shall be fully satisfied, pursuant to the contracts relating to the same, but nothing herein contained, shall be construed to annul or alter any appropriation by law made prior to the passing of this act. Aug. 4, 1790, c. 34, § 1.

2. The President of the U. S. is hereby authorized, to cause to be borrowed on behalf of the U. S. a sum or sums, not exceeding in the whole twelve million of dollars; and so much of this sum as may be necessary to the discharge of the said arrears and instalments, and (if it can be effected upon terms advantageous to the U. S.) to the paying off the whole of the said foreign debt shall be appropriated solely to those purposes: And the President is moreover further authorized to cause to be made such other contracts respecting the said debt as shall be found for the interest of the said states. But no engagement nor contract shall be entered into which shall preclude the U. S. from reimbursing any sum or sums

borrowed within 15 years after the same shall have been lent or advanced. *ibid.* § 2.

3. A loan to the full amount of the domestic debt, is hereby proposed; and books for receiving subscriptions to the said loan opened at the Treasury of the U. S. and by a commissioner to be appointed in each of the said states, on the 1 day of Oct. next, to continue open until the last day of Sept. following inclusively; and the sums which shall be subscribed thereto, shall be payable in certificates issued for the said debt, according to their specie value, and computing the interest upon such as bear interest to the last day of Dec. next, inclusively; which said certificates shall be of these several descriptions, to wit: Those issued by the register of the Treasury. Those issued by the commissioners of loans in the several states, including certificates given pursuant to the act of Congress of the 2 of Jan. 1779, for bills of credit of the several emissions of the 20 of May, 1777, and the 11th of April, 1778.

Those issued by the commissioners for the adjustment of the accounts of the quartermaster, commissary, hospital, clothing, and marine departments.

Those issued by the commissioners for the adjustment of accounts in the respective states.

Those issued by the late and present paymaster general, or commissioner of army accounts.

Those issued for the payment of interest, commonly called indentments of interest.

And in the bills of credit issued by the authority of the U. S. in Congress assembled, at the rate of 100 dollars in the said bills, for 1 dollar in specie. *ibid.* § 3.

4. For the whole or any part of any sum subscribed to the said loan, by any person or persons, or body-politic, which shall be paid in the principal of the said domestic debt, the subscriber or subscribers shall be entitled to a certificate, purporting that the U. S. owe to the holder or holders thereof, his, her, or their assigns, a sum to be expressed therein, equal to two thirds of the sum so paid, bearing an interest of 6 per centum per annum, payable quarter yearly, and subject to redemption by payments not exceeding in 1 year, on account both of principal and interest, the proportion of 8 dollars upon a 100 of the sum mentioned in such certificate; and to another certificate purporting that the U. S. owe to the holder or holders thereof, his, her or their assigns, a sum to be expressed therein, equal to the proportion of 33 dollars and one third of a dollar upon a 100 of the sum so paid, which after the year 1800 shall bear an interest of 6 per centum per annum, payable quarter yearly, and subject to redemption by payments not exceeding in 1 year, on account both of principal and interest, the proportion of 8 dollars upon a 100 of the sum mentioned in such certificate: But it shall not be understood that the U. S. shall be bound or obliged to redeem in the proportion aforesaid; but it shall be understood only that they have a right so to do. *ibid.* § 4.

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5. For the whole or any part of any sum subscribed to the said loan by any person or persons, or body politic which shall be paid in the interest of the said domestic debt, computed to the said last day of Dec. next, or in the said certificates issued in payment of interest, commonly called indents of interest, the subscriber or subscribers shall be entitled to a certificate purporting that the U. S. owe to the holder or holders thereof, his, her or their assigns, a sum to be specified therein, equal to that by him, her or them so paid, bearing an interest of 3 per centum per annum, payable quarter yearly, and subject to redemption by payment of the sum specified therein, whenever provision shall be made by law for that purpose. *ibid.* § 5.

6. A commissioner shall be appointed for each state, to reside therein, whose duty it shall be to superintend the subscriptions to the said loan; to open books for the same; to receive the certificates which shall be presented in payment thereof; to liquidate the specie value of such of them as shall not have been before liquidated; to issue the certificates above mentioned in lieu thereof, according to the terms of each subscription; to enter in books to be by him kept for that purpose, credits to the respective subscribers to the said loan for the sums to which they shall be respectively entitled; to transfer the said credits upon the said books from time to time as shall be requisite; to pay the interest thereupon as the same shall become due, and generally to observe and perform such directions and regulations as shall be prescribed to him by the Secretary of the Treasury, touching the execution of his office. *ibid.* § 6.

7. The stock which shall be created pursuant to this act, shall be transferable only on the books of the treasury, or of the said commissioners respectively, upon which the credit for the same shall exist at the time of transfer, by the proprietor or proprietors of such stock, his, her or their attorney; but it shall be lawful for the Secretary of the Treasury, by special warrant under his hand and the seal of the treasury, countersigned by the comptroller, and registered by the register, at the request of the respective proprietors, to authorize the transfer of such stock from the books of one commissioner to those of another commissioner, or to those of the treasury, and from those of the treasury to those of a commissioner. *ibid.* § 7.

8. The interest upon the said stock, as the same shall become due, shall be payable quarter yearly; that is to say: One fourth part thereof on the last day of March: one other fourth part thereof on the last day of June: one other fourth part thereof on the last day of Sep. and the remaining fourth part thereof on the last day of Dec. in each year, beginning on the last day of March next ensuing; and payment shall be made wheresoever the credit for the said stock shall exist at the time such interest shall become due; that is to say: At the treasury, if the credit for the same shall then exist on the books of the treasury, or at the office of the commissioner upon whose books such credit shall then exist. But if the



interest for one quarter shall not be demanded before the expiration of a third quarter, the same shall be afterwards demandable only at the treasury. *ibid.* § 8.

9. Nothing in this act contained shall be construed in any wise to alter, abridge or impair the rights of those creditors of the U. S. who shall not subscribe to the said loan, or the contracts upon which their respective claims are founded; but the said contracts and rights shall remain in full force and virtue. *ibid.* § 9.

10. Such of the creditors of the U. S. as may not subscribe to the said loan, shall nevertheless receive during the year 1791, a rate per centum on the respective amounts of their respective demands, including interest to the last day of Dec. next, equal to the interest payable to subscribing creditors, to be paid at the same times, at the same places, and by the same persons as is herein before directed, concerning the interest on the stock which may be created in virtue of the said proposed loan. But as some of the certificates now in circulation have not heretofore been liquidated to specie value, as most of them are greatly subject to counterfeit, and counterfeits have actually taken place in numerous instances, and as embarrassment and imposition might, for these reasons, attend the payment of interest on those certificates in their present form, it shall therefore be necessary to entitle the said creditors to the benefit of the said payment, that those of them who do not possess certificates issued by the Register of the Treasury, for the registered debt, should produce previous to the first day of June next, their respective certificates, either at the treasury of the U. S. or to some one of the commissioners to be appointed as aforesaid, to the end that the same may be cancelled, and other certificates issued in lieu thereof; which new certificates shall specify the specie amount of those in exchange for which they are given, and shall be otherwise of the like tenor with those heretofore issued by the said Register of the Treasury, for the said registered debt, and shall be transferable on the like principles with those directed to be issued on account of the subscriptions to the loan hereby proposed. *ibid.* § 10.

11. The commissioners who shall be appointed pursuant to this act, shall respectively be entitled to the following yearly salaries, that is to say: The commissioner for the state of New-Hampshire, 650 dollars: The commissioner for the state of Massachusetts, 1500 dollars: The commissioner for the state of Rhode-Island and Providence Plantations, 600 dollars: The commissioner for the state of Connecticut, 1000 dollars: The commissioner for the state of New-York, 1500 dollars: The commissioner for the state of New-Jersey, 700 dollars: The commissioner for the state of Pennsylvania, 1500 dollars: The commissioner for the state of Delaware, 600 dollars: The commissioner for the state of Maryland, 1000 dollars: The commissioner for the state of Virginia, 1500 dollars: The commissioner for the state of North-Carolina, 1000 dollars: The commissioner for the state of South-Carolina, 1000 dollars: The commissioner for the state of Georgia, 700 dollars: Which

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*ibid.* § 11.

12. The said commissioners before they enter upon the execution of their several offices, shall respectively take an oath or affirmation for the diligent and faithful execution of their trust, and shall also become bound with one or more sureties to the satisfaction of the Secretary of the Treasury, in a penalty not less than 5000, nor more than 10,000 dollars, with condition for their good behavior in their said offices respectively.

13. A loan shall be proposed to the amount of 21,500,000 dollars, and subscriptions to the said loan shall be received at the same times and places, and by the same persons, as in respect to the loan herein before proposed concerning the domestic debt of the U. S. And the sums which shall be subscribed to the said loan, shall be payable in the principal and interest of the certificates or notes, which prior to the 1 day of Jan. last, were issued by the respective states, as acknowledgments or evidences of debts by them respectively owing, except certificates issued by the commissioners of army accounts in the state of North-Carolina, in the year 1786.

*Provided*, That no greater sum shall be received in the certificates of any state, than as follows; that is to say:

In those of New-Hampshire, 300,000 dollars.

In those of Massachusetts, four million dollars.

In those of Rhode-Island and Providence Plantations, 200,000 dollars.

In those of Connecticut, 1,600,000 dollars.

In those of New-York, 1,200,000 dollars.

In those of New-Jersey, 800,000 dollars.

In those of Pennsylvania, 2,200,000 dollars.

In those of Delaware, 200,000 dollars.

In those of Maryland, 800,000 dollars.

In those of Virginia, 3,500,000 dollars.

In those of North-Carolina, 2,400,000 dollars.

In those of South-Carolina, four million dollars.

In those of Georgia, 300,000 dollars.

*And provided*, That no such certificate shall be received, which from the tenor thereof, or from any public record, act, or document, shall appear or can be ascertained to have been issued for any purpose, other than compensations and expenditures for services or supplies towards the prosecution of the late war, and the defence of the U. S. or of some part thereof during the same.

*ibid.* § 13.

14. If the total amount of the sums which shall be subscribed to the said loan in the debt of any state, within the time limited for receiving subscriptions thereto, shall exceed the sum by this act allowed to be subscribed within such state, the certificates and credits granted to the respective subscribers, shall bear such proportion to the sums by them respectively subscribed, as the total amount of the said sums shall bear to the whole sum so allowed to

be subscribed in the debt of such state within the same. And every subscriber to the said loan, shall, at the time of subscribing, deposit with the commissioner the certificates or notes to be loaned by him. *ibid* § 14.

15. For two thirds of any sum subscribed to the said loan, by any person or persons, or body politic, which shall be paid in the principal and interest of the certificates or notes issued as aforesaid by the respective states, the subscriber or subscribers shall be entitled to a certificate, purporting that the U. S. owe to the holder or holders thereof, or his, her or their assigns, a sum to be expressed therein, equal to two thirds of the aforesaid two thirds, bearing an interest of 6 per centum per annum, payable quarter yearly, and subject to redemption by payments, not exceeding in 1 year, on account both of principal and interest, the proportion of 8 dollars upon a 100 of the sum mentioned in such certificate; and to another certificate, purporting that the U. S. owe to the holder or holders thereof, his, her or their assigns, a sum to be expressed therein, equal to the proportion of 33 dollars and one third of a dollar upon a 100 of the said two thirds of such sum so subscribed, which after the year 1800, shall bear an interest of 6 per centum per annum, payable quarter yearly, and subject to redemption by payments, not exceeding in 1 year, on account both of principal and interest, the proportion of 8 dollars upon 100 of the sum mentioned in such certificate; and for the remaining third of any sum so subscribed, the subscriber or subscribers shall be entitled to a certificate, purporting that the U. S. owe to the holder or holders thereof, his, her or their assigns, a sum to be expressed therein, equal to the said remaining third, bearing an interest of 3 per cent. per annum, payable quarter yearly, and subject to redemption by payment of the sum specified therein whenever provision shall be made by law for that purpose. *ibid.* § 15.

16. The interest upon the certificates which shall be received in payment of the sums subscribed towards the said loan, shall be computed to the last day of the year 1791 inclusively; and the interest upon the stock which shall be created by virtue of the said loan, shall commence or begin to accrue on the 1 day of the year 1792, and shall be payable quarter yearly, at the same time, and in like manner as the interest on the stock to be created by virtue of the loan above proposed in the domestic debt of the U. S. *ibid.* § 16.

17. If the whole sum allowed to be subscribed in the debt or certificates of any state as aforesaid, shall not be subscribed within the time for that purpose limited, such state shall be entitled to receive, and shall receive from the U. S. an interest per centum per annum, upon so much of the said sum as shall not have been so subscribed, equal to that which would have accrued on the deficiency, had the same been subscribed in trust for the non-subscribing creditors of such state, who are holders of certificates or notes issued on account of services or supplies towards the prosecution of the late war, and the defence of the U. S. or of some part thereof,

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to be paid in like manner as the interest on the stock which may be created by virtue of the said loan, and to continue until there shall be a settlement of accounts between the U. S. and the individual states; and in case a balance shall then appear in favor of such state; until provision shall be made for the said balance. *ibid.*

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18. The payment of interest whether to states or to individuals, in respect to the debt of any state, by which such exchange shall have been made, shall be suspended, until it shall appear to the satisfaction of the Secretary of the Treasury, that certificates issued for that purpose by such state, have been re-exchanged or redeemed, or until those which shall not have been re-exchanged or redeemed, shall be surrendered to the U. S. *ibid.* § 18.

19. So much of the debt of each state as shall be subscribed to the said loan, and the monies (if any) that shall be advanced to the same pursuant to this act, shall be a charge against such state, in account with the U. S. *ibid.* § 19.

20. The monies arising under the revenue-laws, which have been or during the present session of Congress may be passed, or so much thereof as may be necessary, are hereby pledged and appropriated for the payment of the interest on the stock which shall be created by the loans aforesaid, pursuant to the provisions of this act, first paying that which shall arise on the stock created by virtue of the said first mentioned loan, to continue so pledged and appropriated, until the final redemption of the said stock, subject to such reservations and priorities as may be requisite to satisfy the appropriations heretofore made, and which during the present session of Congress may be made by law, including the sums herein before reserved and appropriated: and to the end that the said monies may be inviolably applied in conformity to this act, and may never be diverted to any other purpose, an account shall be kept of the receipts and disposition thereof, separate and distinct from the product of any other duties, imposts, excises and taxes whatsoever, except such as may be hereafter laid, to make good any deficiency which may be found in the product thereof towards satisfying the interest aforesaid. *ibid.* § 20.

21. The faith of the U. S. is hereby pledged to provide and appropriate hereafter such additional and permanent funds as may be requisite towards supplying any such deficiency, and making full provision for the payment of the interest which shall accrue on the stock to be created by virtue of the loans aforesaid, in conformity to the terms thereof respectively, and according to the tenor of the certificates to be granted for the same pursuant to this act. *ibid.* § 21.

22. The proceeds of the sales which shall be made of lands in the western territory, now belonging, or that may hereafter belong to the U. S. are hereby appropriated towards sinking or discharging the debts, for the payment whereof the U. S. now are, or by virtue of this act may be holden, and, shall be applied solely to that use until the said debts shall be fully satisfied. *ibid.* § 22:

23. All such surplus of the product of the duties on goods, wares and merchandize imported, and on the tonnage of ships or vessels to the last day of Dec. next, inclusively, as shall remain after satisfying the several purposes for which appropriations shall have been made by law to the end of the present session, shall be applied to the purchase of the debt of the U. S. at its market price, if not exceeding the par or true value thereof. Aug. 12, 1790, c. 47, § 1.

24. The purchases to be made of the said debt, shall be made under the direction of the President of the Senate, the Chief justice, the Secretary of State, the Secretary of the Treasury, and the Attorney-General for the time being; and who, or any three of whom, with the approbation of the President of the U. S. shall cause the said purchases to be made in such manner, and under such regulations as shall appear to them best calculated to fulfil the intent of this act: *Provided*, That the same be made openly, and with due regard to the equal benefit of the several states: *And provided further*, That to avoid all risk or failure, or delay in the payment of interest stipulated to be paid for and during the year 1791, by the act, intituled, "An act making provision for the debt of the U. S." such reservations shall be made of the said surplus as may be necessary to make good the said payments, as they shall respectively become due, in case of deficiency in the amount of the receipts into the treasury during the said year, on account of the duties on goods, wares and merchandize imported, and the tonnage of ships or vessels, after the last day of Dec. next. *ibid.* § 2.

25. Accounts of the application of the said monies shall be rendered for settlement as other public accounts, accompanied with returns of the amount of the said debt purchased therewith, at the end of every quarter of a year, to be computed from the time of commencing the purchases aforesaid: and a full and exact report of the proceedings of the said 5 persons, or any 3 of them, including a statement of the disbursements and purchases made under their direction, specifying the times thereof, the prices at which, and the parties from whom the same may be made, shall be laid before Congress, within the first 14 days of each session which may ensue the present, during the execution of their said trust. *ibid.* § 3.

26. The President of the U. S. is hereby authorized to cause to be borrowed, on behalf of the U. S. a sum or sums not exceeding in the whole two millions of dollars, at an interest not exceeding 5 per cent. and the sum or sums so borrowed, shall be also applied to the purchase of the said debt of the U. S. under the like direction, in the like manner, and subject to the like regulations and restrictions with the surplus aforesaid: *Provided*, That out of the interest arising on the debt to be purchased in manner aforesaid, there shall be appropriated and applied a sum not exceeding the rate of 8 per centum per annum on account both of principal and interest towards the re-payment of the two millions of dollars so to be borrowed. *ibid.* § 4.

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27. The act, intituled, "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandize imported into the U. S. and on the tonnage of ships or vessels," doth and shall extend to, and be in force for the collection of the duties specified and laid in and by the act, intituled, "An act making further provision for the payment of the debts of the U. S." as fully and effectually, as if every regulation, restriction, penalty, provision, clause, matter and thing therein contained, had been inserted in and re-enacted by the act last aforesaid. Dec. 27, 1790, c. 1.

28. The loan made by the President of the U. S. in Holland of 3,000,000 of florins at 5 percent per annum, shall be deemed and construed to be within the true intent and meaning of the act, intituled "An act making provision for the reduction of the public debt," (see *art.* 23) and any farther loan, to the extent of the principal sum authorized to be borrowed by the said act, the interest whereof shall be 5 per centum per annum and the charges whereof shall not exceed the rate of four and a half per cent, shall be within the true intent and meaning of the said act. March 3, 1791, c. 25.

29. No balances hereafter to be certified, as due from the U. S. shall be registered in any other name, than that of the original claimant, or of his heirs, executors or administrators; and such balances shall be transferable only at the Treasury, by virtue of powers actually executed after such registry, expressing the sum to be transferred, and in pursuance of such general rules, as have been, or shall be prescribed for that purpose. March, 27, 1792, c. 12, § 2.

30. The term for receiving on loan that part of the domestic debt of the U. S. which hath not been subscribed pursuant to the terms proposed in the act, intituled, "An act making provision for the debt of the U. S." (see *art.* 1) is hereby extended, on the same terms, as in and by the said act is provided, to the 1 day of March next; and books, for receiving such farther subscriptions, shall be opened at the treasury of the U. S. and by the commissioners of loans, in each of the said states, on the 1 day of June next, which shall continue open until the said 1 day of March next inclusively; for which purpose, the said commissioners, respectively, are hereby invested with the like powers, and required to perform the like duties, as in and by the said act is directed. May 8, 1792, c. 38, § 1.

31. Such of the creditors of the U. S. as have not subscribed and shall not subscribe to the said loan, shall nevertheless receive a rate per centum on the amount of so much of their respective demands, as well for interest as principal, as, on or before the 1 day of March, shall be registered, conformably to the directions of the said act, as shall be equal to the interest payable to the subscribing creditors, which shall be payable at the same times and places, and by the same persons, as in and by the said act is directed. *ibid.* § 2.



32. The term for receiving upon loan that part of the debts of the respective states, which hath not been subscribed pursuant to the terms proposed in the act aforesaid, is hereby enlarged on the same terms, as in and by the said act is provided, until the 1 day of March 1793 inclusively; for which purpose, books shall be opened at the treasury of the U. S. and by the commissioners of loans in each of the said states, on the first day of June next, which shall continue open until the 1 day of March, 1793 inclusively; for which purposes the said commissioners are hereby invested with the like powers, and required to perform the like duties, as, in and by the said act, is directed. *ibid.* § 3.

33. The commissioner of loans for North-Carolina shall not be allowed to receive any certificate issued by Patrick Travers, commissioner of Cumberland county, or by the commissioners of army accounts at Warrenton. *ibid.* § 4.

34. The U. S. are indebted to certain foreign officers, on account of pay and services during the late war. the interest whereof, pursuant to the certificates granted to the said officers by virtue of a resolution of the U. S. in Congress assembled, is payable at the house of

Grand, banker, at Paris. Therefore the President of the U. S. is authorized to cause to be discharged the principal and interest of the said debt, out of any of the monies, which have been or shall be obtained on loan, in virtue of the act aforesaid, and which shall not be necessary ultimately to fulfil the purposes for which the said monies are, in and by the said act, authorized to be borrowed. *ibid.* § 5.

35. The President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury, and the Attorney General, for the time being, shall be commissioners, who, or any 3 of whom, are hereby authorized, with the approbation of the President of the U. S. to purchase the debt of the U. S. at its market price, if not exceeding the par or true value thereof; for which purchase the interest on so much of the public debt, as has already been, or may hereafter be purchased for the U. S. or as shall be paid into the treasury, and so much of the monies appropriated for the payment of the interest on the foreign and domestic debt, as shall exceed what may be sufficient for the payment of such interest to the creditors of the U. S. shall be appropriated. And it shall be the duty of the said commissioners to render to the legislature, within 2 months after the commencement of the first session thereof in every year, a full and precise account of all such purchases made, and public debt redeemed, in pursuance of this act. *ibid.* § 6.

36. The interest on so much of the debt of the U. S. as has been or shall be purchased or redeemed for or by the U. S. or as shall be paid into the treasury thereof in satisfaction of any debt or demand, and the surplus of any sum or sums appropriated for the payment of the interest upon the said debt, which shall remain after paying such interest, shall be appropriated and pledged firmly and inviolably for and to the purchase and redemption of the

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said debt, to be applied under the direction of the President of the Senate, the Chief Justice, the Secretary of State, the Secretary of the Treasury and the Attorney General for the time being, or any 3 of them, with the approbation of the President of the U. S. for the time being, in manner following, that is to say : First, to the purchase of the several species of stock constituting the debt of the U. S. at their respective market prices, not exceeding the par or true value thereof, and, as nearly as may be, in equal proportions, until the annual amount of the said funds together with any other provisions which may be made by law, shall be equal to 2 per centum of the whole amount of the outstanding funded stock bearing a present interest of six per centum : Thenceforth, Secondly, to the redemption of the said last mentioned stock, according to the right for that purpose reserved to the U. S. until the whole amount thereof shall have been redeemed : And lastly, after such redemption, to the purchase, at its market price, of any other stock consisting of the debt of the U. S. which may then remain unredeemed : and such purchase, as far as the fund shall at any time extend, shall be made within 30 days next after each day, on which a quarterly payment of interest on the debt of the U. S. shall become due, and shall be made by a known agent, to be named by the said commissioners. *ibid.* § 7.

37. All future purchases of public debt on account of the U. S. shall be made at the lowest price, at which the same can be obtained by open purchase, or by receiving sealed proposals, to be opened in the presence of the commissioners, or persons, authorized by them to make purchases, and the persons making such proposals. *ibid.* § 8.

38. Quarter yearly accounts of the application of the said fund shall be rendered for settlement, as other public accounts, accompanied with returns of the sums of the said debt, which shall have been from time to time purchased or redeemed ; and full and exact report of the proceedings of the said commissioners, including a statement of the disbursements, which shall have been made, and of the sums which shall have been purchased or redeemed under their direction, and specifying dates, prices, parties, and places, shall be laid before Congress, within the first 14 days of each session which may ensue the present, during the execution of the said trust. *ibid.* § 9.

39. Interest upon the balances reported to be due to certain states, by the commissioners for settling accounts between the U. S. and individual States, shall be allowed, from the last day of Dec. 1739, and be computed to the last day of Dec. 1794, at the rate of 4 per centum per annum : And the amount of such interest shall be placed to the credit of the state, to which the same shall be found due, upon the books of the treasury of the U. S. and shall bear an interest of 3 per centum per annum, from and after the said last day of Dec. 1794, May 31. 1794, c. 37, § 1.

40. The interest on the said balances, reported by the said commissioners, as aforesaid, which shall be funded agreeable to the

terms of the act intitled, "An act to provide more effectually for the settlement of the accounts, between the U. S. and the individual states," (see *settlement of accounts between the U. S. and individual States*, art. 1.) together with the interest on the amount placed to the credit of any such state, for arrearages of interest on such balances, agreeable to the terms of this act, be paid quarterly, after the said last day of Dec. 1794; that is to say: one-fourth part thereof, on the last days of March, June, Sep. and Dec. respectively, in each year, at the offices of the commissioners of loans, within such states as shall be entitled to receive the same; the first payment to be made on the last day of March 1795: And for the payment of the said interest, so much of the duties arising, yearly, on imports and tonnage, after the last day of Dec. 1794, as may be necessary, and not heretofore otherwise appropriated, is hereby pledged and appropriated; and the faith of the U. S. is hereby pledged to provide for any deficiency, that may happen, by such additional and permanent funds, as may be necessary therefor. *ibid.* § 2.

41. At any time within 2 years from the passing of this act, transfers shall and may be authorized, of so much of the stock standing to the credit of any state, pursuant to the report of the commissioners for settling accounts between the U. S. and individual states, and the act passed thereon, intitled, "An act making provision for the payment of the interest on the balances due to certain states, upon a final settlement of the accounts between the U. S. and the individual states," (see art. 39) to creditors of such state, who were such, prior to the 1 day of July, 1793, as may be necessary to satisfy their respective demands: *Provided*, That no such transfer shall be made but with the consent of the said state and its creditors. Jan. 2, 1795, c. 75. *Revived and continued by July 6, 1799, c. 16, to the 4th March 1799.*

42. The commissioners of the sinking fund, are impowered, with the approbation of the President of the U. S. to borrow, or cause to be borrowed, from time to time, such sums, in anticipation of the revenues appropriated, not exceeding, in 1 year, one million of dollars, to be reimbursed within a year from the time of each loan, as may be necessary for the payment of the interest which shall annually accrue on the public debt; and for the payment of the interest on any such temporary loan, which shall not exceed 6 per centum per annum, so much of the proceeds of the duties on goods, wares and merchandize imported, on the tonnage of ships or vessels, and upon spirits distilled within the U. S. and stills, as may be necessary, are hereby appropriated. March 3, 1795, c. 110, § 1.

43. A loan shall be opened at the Treasury, to the full amount of the present foreign debt, to continue open until the last day of Dec. in the year 1796, and the sums, which may be subscribed to the said loan, shall be payable and receivable by way of exchange in equal sums of the principal of the said foreign debt: and any sum, so subscribed and paid, shall bear an interest equal to the rate

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of interest which is now payable on the principal of such part of the foreign debt, as shall be paid or exchanged therefor, together with an addition of one-half per centum per annum; the said interest to commence on the 1 day of Jan. next succeeding the time of each subscription, and to be paid quarter-yearly, at the same periods, at which interest is now payable and paid upon the domestic funded debt: *Provided*, That the principal of the said loan may be reimbursed at any time, at the pleasure of the U. S. *ibid.* § 2.

44. Credits to the respective subscribers, for the sums by them respectively subscribed to the said loan, shall be entered and given on the books of the treasury in like manner as for the present domestic funded debt; and certificates therefor, of a tenor conformable with the provisions of this act, signed by the Register of the Treasury, shall issue to the several subscribers, and the said credits, or stock standing in the names of the said subscribers, respectively, shall be transferable, in like manner, and by the like ways and means, as are provided by the 7 § of the act aforesaid, intituled, "An act making provision for the debt of the U. S." (see *art.* 1) touching the credits or stock therein mentioned; and the interest to be paid upon the stock which shall be constituted by virtue of the said loan, shall be paid at the offices or places, where the credits for the same shall, from time to time, stand or be, subject to the like conditions and restrictions, as are prescribed in and by the 8 § of the act last aforesaid. *ibid.* § 3.

45. The interest and principal of all loans, authorized by this act, shall be made payable at the treasury of the U. S. only, so far as relates to the payment of the principal and interest of the domestic debt. *ibid.* § 4.

46. So much of the duties on goods, wares and merchandize imported, on the tonnage of ships or vessels, and upon spirits distilled within the U. S. and stills, heretofore appropriated for the interest of the foreign debt, as may be liberated or set free, by subscriptions to the said loan, together with such further sums of the proceeds of the said duties, as may be necessary are hereby pledged and appropriated, for the payment of the interest which shall be payable upon the sums subscribed to the said loan, and shall continue so pledged and appropriated, until the principal of the said loan shall be fully reimbursed and redeemed: But nothing herein contained shall be construed to alter, change, or in any manner affect, the provisions heretofore made concerning the said foreign debt according to contract, either during the pendency of the said loan, or after the closing thereof; but every thing shall proceed, touching the said debt, and every part thereof, in the same manner as if this act had never been passed, except as to such holders thereof, as may subscribe to the said loan, and from the time of the commencement thereof in each case that is, when interest on any sum subscribed shall begin to accrue. *ibid.* § 5.

47. The several and respective duties laid and contained in and by the act, intituled, "An act laying additional duties on goods,

wares and merchandize imported into the U. S." passed the 7 day of June, 1794, shall, together with the other duties heretofore charged with the payment of interest on the public debt, continue to be levied, collected and paid, until the whole of the capital or principal of the present debt of the U. S., and future loans which may be made, pursuant to law, for the exchange, reimbursement or redemption thereof, or of any part thereof, shall be reimbursed or redeemed, and are, pledged and appropriated for the payment of interest upon the said debt and loans, until the same shall be so reimbursed or redeemed. *ibid.* § 6.

48. The reservation made by the 4 § of the aforesaid act, intitled, "An act making provision for the reduction of the public debt," (see *art.* 26) is annulled, and in lieu thereof, so much of the duties on goods, wares and merchandize imported, on the tonnage of ships or vessels, and upon spirits distilled within the U. S. and stills, as may be necessary, are substituted, pledged and appropriated for satisfying the purpose of the said reservation. *ibid.* § 7.

49. The following appropriations, in addition to those heretofore made, shall be made to the fund constituted by the 7 § of the act, intitled, "An act supplementary to the act making provision for the debt of the U. S." passed the 8 day of May, 1792, to be hereafter denominated "The sinking fund," to wit: First, So much of the proceeds of the duties on goods, wares and merchandize imported; on the tonnage of ships or vessels, and on spirits distilled within the U. S. and stills, as, together with the monies which now constitute the said fund, and shall accrue to it, by virtue of the provisions herein before made, and by the interest upon each instalment, or part of principal, which shall be reimbursed, will be sufficient, yearly and every year, commencing the 1 day of Jan. next, to reimburse and pay so much as may rightfully be reimbursed and paid, of the principal of that part of the debt or stock, which, on the said 1 day of Jan. next, shall bear an interest of 6 per centum per annum, redeemable by payments on account both of principal and interest, not exceeding in 1 year, 8 per centum, excluding that which shall stand to the credit of the commissioners of the sinking fund, and that which shall stand to the credit of certain states, in consequence of the balances reported in their favour, by the commissioners for settling accounts between the U. S. and individual states; Secondly; The dividends, which shall be, from time to time, declared on so much of the stock of the bank of the U. S. as belongs to the U. S. (deducting thereout such sums, as will be requisite to pay interest on any part remaining unpaid of the loan of two millions of dollars, had of the bank of the U. S. pursuant to the 11 § of the act, by which the said bank is incorporated): Thirdly; So much of the duties on goods, wares and merchandize imported, on the tonnage of ships or vessels, and on spirits distilled within the U. S. and stills, as with the said dividends, after such deduction, will be sufficient, yearly and every year, to pay the remaining instalments of the principal of the said loan, as they shall become due, and as, together with any monies, which,

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by virtue of provisions in former acts, and herein before made shall, on the 1 day of Jan. 1802, belong to the said sinking fund, not otherwise specially appropriated; and with the interest on each instalment, or part of principal, which shall, from time to time, be reimbursed, or paid, of that part of the debt or stock, which, on the first day of Jan. in the year 1801, shall begin to bear an interest of 6 per centum per annum, will be sufficient, yearly and every year, commencing on the first day of Jan. in the year 1802, to reimburse and pay so much, as may rightfully be reimbursed and paid, of the said principal of the said debt or stock, which shall so begin to bear an interest of 6 per centum per annum, on the said 1 day of Jan. in the year 1801, excluding that which shall stand to the credit of the commissioners of the sinking fund, and that which shall stand to the credit of certain states as aforesaid: Fourthly; The net proceeds of the sales of lands belonging, or which shall hereafter belong to the U. S. in the western territory thereof: Fifthly; All monies, which shall be received into the treasury, on account of debts due to the U. S. by reason of any matter prior to their present constitution: And lastly; All surplusses of the revenues of the U. S. which shall remain, at the end of any calendar year, beyond the amount of the appropriations charged upon the said revenues, and which, during the session of Congress next thereafter, shall not be otherwise specially appropriated or reserved by law. *ibid.* § 8.

50. As well the monies which shall accrue to the said sinking fund, by virtue of the provisions of this act, as those which shall have accrued to the same, by virtue of the provisions of any former act or acts, shall be under the direction and management of the commissioners of the sinking fund, or the officers designated in and by the 2 § of the act, intitled, "An act making provision for the reduction of the public debt," passed the 12 August, 1790, and their successors in office; and shall be, and continue appropriated to the said fund, until the whole of the present debt of the U. S. foreign and domestic, funded and unfunded, including future loans, which may be made for reimbursing or redeeming any instalments or parts of principal of the said debt, shall be reimbursed and redeemed; and are hereby declared to be vested in the said commissioners, in trust, to be applied, according to the provisions of the aforesaid act of the 8 May, in the year 1792, and of this act, to the reimbursement and redemption of the said debt, including the loans aforesaid, until the same shall be fully reimbursed and redeemed. And the faith of the U. S. is hereby pledged, that the monies or funds aforesaid, shall inviolably remain, and be appropriated and vested, as aforesaid, to be applied to the said reimbursement and redemption, in manner aforesaid, until the same shall be fully and completely effected. *ibid.* § 9.

51. All reimbursements of the capital, or principal of the public debt, foreign and domestic, shall be made under the superintendence of the commissioners of the sinking fund, who are hereby empowered and required, if necessary, with the approbation of the



President of the U. S. as any instalments or parts of the said capital or principal become due, to borrow, on the credit of the U. S. the sums requisite for the payment of the said instalments or parts of principal: *Provided*, That any loan which may be made by the said commissioners, shall be liable to reimbursement at the pleasure of the U. S. and the rate of interest thereupon, shall not exceed 6 per centum per annum; and for greater caution, it is hereby declared, that it shall be deemed a good execution of the said power to borrow, for the said commissioners, with the approbation of the President, to cause to be constituted certificates of stock, signed by the Register of the Treasury, for the sums to be respectively borrowed, bearing an interest of 6 per centum per annum, and redeemable at the pleasure of the U. S. and to cause the said certificates of stock, to be sold in the market of the U. S. or elsewhere: *Provided*, That no such stock be sold under par. And for the payment of interest on any sum or sums which may be so borrowed, either by direct loans, or by the sale of certificates of stock, the interest on the sum or sums which shall be reimbursed by the proceeds thereof (except that upon the funded stock, bearing and to bear an interest of 6 per centum, redeemable by payments, not exceeding in one year, 8 per centum on account both of principal and interest) and so much of the duties on goods, wares and merchandize imported, on the tonnage of ships or vessels, and upon spirits distilled within the U. S. and upon stills, as may be necessary, are pledged and appropriated. *ibid.* § 10.

52. It shall be the duty of the commissioners of the sinking fund, to cause to be applied and paid, out of the said fund, yearly and every year, at the treasury of the U. S. the several and respective sums following, to wit: First; Such sum and sums as, according to the right for that purpose reserved, may rightfully be paid for, and towards the reimbursement or redemption of such debt or stock of the U. S. as, on the 1 day of Jan. next, shall bear an interest of 6 per centum per annum, redeemable by payments, not exceeding in 1 year, 8 per centum, on account both of principal and interest, excluding that standing to the credit of the commissioners of the sinking fund, and that standing to the credit of certain states, as aforesaid, commencing the said reimbursement or redemption, on the said 1 day of Jan. next: Secondly: Such sum and sums as, according to the conditions of the aforesaid loan, had of the bank of the U. S. shall be henceforth payable towards the reimbursement thereof, as the same shall respectively accrue: Thirdly; Such sum and sums as, according to the right for that purpose reserved, may rightfully be paid for and towards the reimbursement or redemption of such debt or stock of the U. S. as, on the 1 day of Jan. in the year 1801, shall begin to bear an interest of 6 per centum per annum, redeemable by payments, not exceeding in 1 year, 8 per centum, on account both of principal and interest, excluding that standing to the credit of the commissioners of the sinking fund, and that standing to the credit of certain states, as aforesaid, commencing the said reimbursement or redemption,

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on the first day of Jan. in the year 1802; and also to cause to be applied all such surplus of the said fund, as may at any time exist, after satisfying the purposes aforesaid, towards the further and final redemption of the present debt of the U. S. foreign and domestic, funded and unfunded, including loans for the reimbursement thereof, by payment or purchase, until the said debt shall be completely reimbursed or redeemed. *ibid.* § 11.

53. Nothing in this act shall be construed to vest in the Commissioners of the sinking fund, a right to pay, in the purchase or discharge of the unfunded domestic debt of the U. S. a higher rate than the market price or value of the funded debt of the U. S. And if after all the debts and loans aforesaid, now due, and that shall arise under this act, excepting the said debt or stock, bearing an interest of 2 per cent. shall be fully paid and discharged, any part of the principal of the said debt or stock bearing an interest of 3 per cent. as aforesaid, shall be unredeemed, the government shall have liberty, if they think proper, to make other and different appropriations of the said funds. *ibid.* § 12.

54. All priorities heretofore established in the appropriations by law, for the interest on the debt of the U. S. as between the different parts of the said debt, shall, after the year 1796, cease, with regard to all creditors of the U. S. who do not, before the expiration of the said period, signify, in writing, to the Comptroller of the Treasury, their dissent therefrom; and thenceforth, with the exception only of the debts of such creditors who shall so signify their dissent, the funds or revenues charged with the said appropriations, shall, together, constitute a common or consolidated fund, chargeable indiscriminately, and without priority, with the payment of the said interest. *ibid.* § 13.

55. All certificates, commonly called loan-office certificates, final settlements, and indents of interest, which, at the time of passing this act, shall be outstanding, shall, on or before the first day of Jan. in the year 1797, be presented at the office of the Auditor of the Treasury of the U. S. for the purpose of being exchanged for other certificates of equivalent value and tenor, or, at the option of the holders thereof, respectively, to be registered at the said office, and returned; in which case, it shall be the duty of the said Auditor to cause some durable mark or marks to be set on each certificate, which shall ascertain and fix its identity, and whether genuine, or counterfeit, or forged; and every of the said certificates, which shall not be presented at the said office, within the said time, shall be forever after barred or precluded from settlement or allowance. *ibid.* § 14.

56. If any transfer of stock standing to the credit of a state, shall be made pursuant to the act, intitled, "An act authorizing the transfer of the stock standing to the credit of certain states," passed the 2 day of Jan. in this present year, after the last day of Dec. next, the same shall be upon condition, that it shall be lawful to reimburse, at a subsequent period of reimbursement, so much of the principal of the stock so transferred, as will make the reim-

bursment thereof, equal in proportion and degree, to that of the same stock transferred previous to the said day. *ibid.* § 15.

57. In regard to any sum which shall have remained unexpended upon any appropriation other than for the payment of interest on the funded debt; for the payment of interest upon, and reimbursement, according to contract, of any loan or loans made on account of the U. S. for the purposes of the sinking fund; or for a purpose, in respect to which, a longer duration is specially assigned by law, for more than 2 years after the expiration of the calendar year in which the act of appropriation shall have been passed, such appropriation shall be deemed to have ceased and been determined; and the sum so unexpended shall be carried to an account on the books of the treasury, to be denominated "THE SURPLUS FUND." But no appropriation shall be deemed to have so ceased and been determined, until after the year 1795, unless it shall appear to the Secretary of the Treasury, that the object thereof hath been fully satisfied, in which case, it shall be lawful for him to cause to be carried the unexpended residue thereof to the said account of "the surplus fund." *ibid.* § 16.

58. The department of the treasury, according to the respective duties of the several officers thereof, shall establish such forms and rules of proceeding, for and touching the execution of this act, as shall be conformable with the provisions thereof. *ibid.* § 17.

59. All the restrictions and regulations heretofore established by law for regulating the execution of the duties enjoined upon the commissioners of the sinking fund, shall apply to, and be in as full force for the execution of the analogous duties enjoined by this act, as if they were herein particularly repeated and re-enacted: And a particular account of all sales of stock, or of loans by them made, shall be laid before Congress, within 14 days after their meeting next after the making of any such loan or sale of stock. *ibid.* § 18.

60. In every case in which power is given by this act to make a loan, it shall be lawful for such loan to be made of the bank of the U. S. although the same may exceed the sum of 50,000 dollars. *ibid.* § 19.

61. So much of the act laying duties upon carriages (see *duties on carriages art 1*) for the conveyance of persons; and of the act laying duties on licenses for selling wines and foreign distilled spiritous liquors by retail; and of the act laying certain duties upon snuff and refined sugar, and of the act laying duties on property sold at auction, as limits the duration of the said several acts, is hereby repealed.

62. The term for receiving on loan that part of the domestic debt of the U. S. which has not been subscribed, in pursuance of the provisions heretofore made by law for that purpose, is hereby further extended, until the 21 day of Dec. next, on the same terms and conditions, as are contained in the act, intitled, "An act making provision for the debt of the U. S." (see *art. 1*) *Provided*, That the books for receiving the said subscriptions shall be opened only at the Treasury of the U. S. Feb. 19, 1796, c. 2 § 1 *cont. by*

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63. It shall be lawful to reimburse so much of the principal of the debt or stock, which may be subscribed, pursuant to this act, as will make the reimbursement thereof equal in proportion and degree, to that of the same stock subscribed antecedent to the present year; and the said reimbursement shall be made at the expiration of the quarter in which such debt or stock shall be subscribed, and pursuant to the rules and conditions prescribed by the act, intitled, "An act making further provision for the support of public credit, and for the redemption of the public debt." (see art. 42) *ibid.* § 2.

64. Such of the creditors of the U. S. as have not subscribed, and shall not subscribe to the said loan, shall, nevertheless, receive, during the year 1796, a rate per centum on the amount of such of their demands as have been registered, or as shall be registered at the Treasury, conformably to the directions in the act, intitled, "An act making provision for the debt of the U. S." (see art. 1) equal to the interest which would be payable to them as subscribing creditors. *ibid.* § 3.

65. The commissioners of the sinking fund shall cause the funded stocks of the U. S. bearing a present interest of 6 per centum per annum, to be reimbursed and paid, in manner following, to wit: First, by dividends to be made on the last days of March, June and Sept. for the present year, and from the year 1797, to the year 1818 inclusive, at the rate of one and one half per centum, upon the original capital. Secondly, by dividends to be made on the last day of Dec. for the present year, and from the year 1797, to the year 1817 inclusive, at the rate of three and one half per centum upon the original capital; and by a dividend to be made on the last day of Dec. in the year 1818, of such a sum, as will be then adequate, according to the contract, for the final redemption of the said stock. April 28, 1796, c. 16, § 1.

66. It shall be lawful for the said commissioners of the sinking fund, and they are hereby required, to cause the funded debt of the U. S. upon which an interest of 6 per centum per annum will commence on the 1 day of Jan. in the year 1801, to be reimbursed and paid, in manner following, to wit: First, by dividends to be made on the last days of March, June, and Sep. from the year 1801, to the year 1824, inclusively, at the rate of one and one half per centum upon the original capital: Secondly, by dividends to be made on the last day of Dec. from the year 1801, to the year 1823, inclusively, at the rate of 3 and one-half per centum upon the original capital: and by a dividend to be made on the last day of Dec. in the year 1824, of such a sum, as will be then adequate, according to the contract, for the final redemption of the said stock. *ibid.* § 2

67. It shall be lawful for the said commissioners of the sinking fund, and they are hereby required, to cause to be reimbursed and paid in manner before prescribed, such sum and sums, as, according to the right for that purpose reserved, may rightfully be paid for

and towards the reimbursement or redemption of all such balances of the funded debt or stock of the U. S. bearing a present interest of 6 per centum per annum, or which will bear a like interest, from and after the first day of Jan. in the year 1801, as stand to the credit of certain states, in consequence of an act passed on the 31 May, in the year 1794; and with the consent of the said states, such additional sums, as will render the reimbursement of the said balances equal to that made upon the residue of the said stock, at the commencement of the present year. *ibid.* § 3.

68. In addition to the sums already appropriated to the sinking fund, by the act, intitled, "An act making further provision for the support of public credit, and for the redemption of the public debt," (see *art* 42) there shall be in like manner, appropriated to the said fund, such a sum of the duties on goods, wares and merchandize imported on the tonnage of ships and vessels, and on spirits distilled in the U. S. and on stills, as, with the monies, which now constitute the sinking fund, and shall accrue to it, in virtue of the provisions already made by law, and the interest upon the sums which shall be annually reimbursed, will be sufficient, yearly and every year, to reimburse and pay the said balances standing to the credit of certain states, in the manner herein before prescribed and directed. *ibid.* § 4.

69. It shall be lawful for the commissioners of the sinking fund, to appoint a secretary, whose duty it shall be, to record and preserve their proceedings and documents, and to certify copies thereof, when thereunto duly required; and the said secretary shall be allowed a compensation not exceeding 250 dollars, annually, for his services. *ibid.* § 5.

70. It shall be lawful for the commissioners of the sinking fund, with the approbation of the President of the U. S. to borrow, or cause to be borrowed, on the credit of the U. S. any sum not exceeding five millions of dollars, to be applied to the payment of the capital, or principal of any parts of the debt of the U. S. now due, or to become due, during the course of the present year, to the bank of the U. S. or to the bank of New-York, or for any instalment of foreign debt: And for the whole, or such part of the said sum, as shall be borrowed, certificates shall be issued, purporting that the U. S. are indebted for the sums to be therein expressed, bearing an interest of 6 per centum per annum, payable quarter-yearly; which sums, at the said rate of interest, are to remain fixed and irredeemable, until the close of the year 1819, and to be redeemed thereafter, at the pleasure of the U. S. And the bank of the U. S. is hereby authorized to lend the whole, or any part of the said five millions of dollars, and to sell the stock received for such loan. May 31, 1796, c. 44, § 1.

71. Credits for the sums, which shall be borrowed, pursuant to this act, shall be entered and given on the books of the Treasury, in like manner as for the present domestic funded debt; and certificates, for sums not less than 100 dollars, pursuant to the provisions herein contained, shall be issued by the Register of the

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Treasury ; which shall be transferable in like manner, and by the like ways and means, as are provided by the 7 § of the act, intituled, " An act making provision for the debt of the U. S." (see *art. 1*) touching the credits or stock therein-mentioned ; and the interest to be paid upon the stock, which shall be constituted by virtue of the loan herein proposed, shall be paid at the offices or places, where the credits for the same shall, from time to time, stand or be ; subject to the like conditions and restrictions as are prescribed in and by the 8 § of the act last aforesaid. *ibid.* § 2.

72. It shall be deemed a good execution of the power to borrow, herein granted, for the said commissioners of the sinking fund, to cause to be constituted, certificates of stock of the description herein-mentioned, and to cause the same to be sold in the U. S. or elsewhere : *Provided*, That no more than one moiety of the said stock shall be sold under par : And it shall be lawful for the commissioners of the sinking fund, if they shall find the same to be most advantageous, to sell such and so many of the shares of the stock of the bank of the U. S. belonging to the U. S. as they may think proper ; and that they apply the proceeds thereof, to the payment of the said debts, instead of selling certificates of stock, in the manner prescribed in this act. And such of the revenues of the U. S. heretofore appropriated for the payment of interest of debts, thus discharged, shall be pledged and appropriated, towards the payment of the interest, and instalments of the principal, which shall hereafter become due, on the loan obtained of the bank of the U. S. pursuant to the 11 § of the act for incorporating the subscribers to the said bank. *ibid.* § 3.

73. Such of the revenues of the U. S. heretofore appropriated for the payment of interest on such debts as may be liberated or set free, by payments from the proceeds of the loan herein proposed, together with such further sums of the proceeds of the duties on goods, wares and merchandize imported ; on the tonnage of ships or vessels : and upon spirits distilled in the U. S. and stills ; as may be necessary, shall be pledged and appropriated for the payment of the interest which shall be payable upon the sums subscribed to the said loan ; and shall continue so pledged and appropriated, until the principal of the said loan shall be fully reimbursed and redeemed. *ibid.* § 4.

74. The principal of the said loan, bearing interest as aforesaid, shall remain fixed and irredeemable by the U. S. until the close of the year 1819 ; after which period, the said loan shall be redeemed, at the pleasure of the U. S. And the funds which shall be liberated by the discharge of the stock of the U. S. bearing a present interest of six per centum, or so much thereof, as may be necessary, shall be pledged and appropriated for the said redemption. *ibid.* § 5.

75. The department of the Treasury, according to the respective duties of the officers thereof, shall establish such forms and rules of proceeding, touching the execution of this act, as shall be conformable with the provisions thereof. *ibid.* § 6.



76. The evidences of the public debt of the U. S. shall be receivable in payment for any of the lands which may be hereafter sold in conformity to the act, intituled, "An act providing for the sale of the lands of the U. S. in the territory north-west of the river Ohio, and above the mouth of Kentucky river," at the following rates, viz. the present foreign debt of the U. S. and such debt, or stock, as, at the time of payment, shall bear an interest of 6 per centum per annum, shall be received at their nominal value; and the other species of debt, or stock of the U. S. shall be received; at a rate bearing the same proportion to their respective market-price, at the seat of government, at the time of payment, as the nominal value of the above-mentioned 6 per centum stock, shall, at the same time, bear to its market-price, at the same place; the Secretary of the Treasury, in all cases, determining what such market-price is. *March, 3, 1797, c. 68.*

77. So much of the act, intituled, "An act making further provision for the support of public credit, and for the redemption of the public debt," (see art. 42) passed the 3 March, 1795, as bars from settlement or allowance, certificates, commonly called loan-office and final settlement certificates, and indents of interest, is suspended for the term of 1 year from and after the time of the passing of this act; a notification of which temporary suspension of the act of limitation shall be published by the Secretary of the Treasury, for the information of the holders of the said certificates, in 1 or more of the public papers in each of the U. S. June 12, 1798, c. 68, § 1.

78. On the liquidation and settlement of such of the said certificates, and indents of interest, as may be presented at the Treasury, pursuant to this act, the creditors shall be allowed to receive certificates of funded 3 per cent stock of the U. S. equal to the said indents, and the arrearages of interest due on their said certificates, prior to the first day of Jan. 1791. *ibid.* § 2.

79. The principal sums of the said loan-office and final settlement certificates, with the interest thereon, since the first day of Jan. 1791, shall and may be discharged, after liquidation at the Treasury, by the payment of interest and reimbursement of principal, equal to the sums which would have been payable thereon, if the said certificates had been subscribed, pursuant to the acts making provision for the debts of the U. S. contracted during the late war, and by the payment of other sums, equal to the market value of the remaining funded stock, which would have been created by subscriptions, as aforesaid; which market value shall be determined by the Comptroller of the Treasury.

80. The sum of 20,000 dollars shall be appropriated for the purposes aforesaid, to be paid out of any monies in the Treasury not otherwise appropriated. *ibid.* § 4.

81. From and after the passing of this act, it shall not be lawful for the officers of the Treasury to issue or cause to be issued, any certificates of registered or unfunded debt; and to satisfy such claims for services, or supplies furnished or done prior to the esta-

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blishment of the present constitution of the U. S. as shall be allowed according to law, and the course of settlement at the Treasury, there shall be appropriated a sum not exceeding 20,000 dollars, to be paid out of any monies in the Treasury not otherwise appropriated. *ibid.* § 5.

82. The commissioners of the sinking fund shall reimburse, or cause to be reimbursed, the principal sums of the unfunded, or registered debt of the U. S. credited on the books of the Treasury, and commissioners of loans; and they shall cause a notification to be published, informing the creditors generally, of the said reimbursement, and interest on the said debts will cease at the expiration of 6 months after the date of the said notification; and a sum not exceeding 90,000 dollars, shall be appropriated for the reimbursement of the debts aforesaid, out of any monies in the Treasury not otherwise appropriated. *ibid.* § 6.

83. It shall be lawful for the creditors of the unfunded or registered debt aforesaid, to receive certificates of funded 3 per cent stock, equal to the arrearages of interest due to them, respectively, prior to the first day of Jan. 1791: and on the requisition of each or any of the said creditors, the proper officers of the Treasury are hereby required to issue, or cause to be issued, the said certificates of funded 3 per cent stock accordingly. *ibid.* § 7.

84. The president of the U. S. is impowered to borrow on the credit of the U. S. a sum not exceeding 800,000 dollars, at an interest not exceeding 6 per cent per annum, reimburseable at the pleasure of the U. S. or at such period as may be stipulated by contract, not exceeding 5 years from the time of obtaining the loan, to be applied to such public purposes as are or may be authorized by law, and to be repaid out of the revenues accruing to the end of the present year, and such further revenues as have been, or may be provided during the present session of Congress; and it shall be lawful for the bank of the U. S. to lend the said sum. July 6, 1797, c. 11, § 1.

85. In case the existing revenues of the U. S. together with such further revenues as have been, or may be provided, during the present session, shall be sufficient to discharge and reimburse the said loan, the faith of the U. S. is hereby pledged to make such further provision therefor, as may be necessary. *ibid.* § 2.

86. The President of the U. S. is authorized to borrow, on behalf of the U. S. from the Bank of the U. S. which is hereby authorized to lend the same, or from any other body or bodies politic or corporate, or from any person or persons and upon such terms and conditions as he shall judge most advantageous for the U. S. a sum not exceeding five millions of dollars, in addition to the monies to be received into the treasury of the U. S. from taxes, for making up any deficiency in any appropriation heretofore made by law, or to be made during the present session of Congress; and defraying the expenses which may be incurred, by calling into actual service, any part of the militia of the U. S. or by raising, equipping and calling into actual service any regular troops, or

volunteers, pursuant to authorities vested or to be vested in the President of the U. S. by law : *Provided*, that no engagement nor contract shall be entered into, which shall preclude the U. S. from reimbursing any sum or sums borrowed at any time after the expiration of 15 years from the date of such loan. July 16, 1798, c. 96, § 1.

87. So much as may be necessary of the surplus of the duties on imports and tonnage, beyond the permanent appropriations heretofore charged upon them by law, is pledged and appropriated for paying the interest of all such monies as may be borrowed, pursuant to this act, according to the terms and conditions on which the loan or loans, respectively, may be effected : and also for paying and discharging the principal sum or sums of any such loan or loans, according to the terms and conditions to be fixed, as aforesaid : And the faith of the U. S. is pledged, to establish sufficient permanent revenues for making up any deficiency that may hereafter appear in the provisions for paying the said interest and principal sums, or any of them, in manner aforesaid. *ibid.* § 2.

88. The sums to be borrowed, pursuant to this act, shall be paid into the treasury of the U. S. and there separately accounted for : and the same shall be appropriated in manner following : First, to make up any deficiency in any appropriation heretofore made by law, or to be made, during the present session of Congress ; and secondly, to defray the expenses which may be incurred before the end of the next session of Congress, by calling into actual service, any part of the militia of the U. S. or by raising, equipping and calling into actual service, any regular troops, or volunteers, pursuant to authorities vested or to be vested in the President of the U. S. by law. *ibid.* § 3.

## Declaration of Independence.

*In Congress, July 4, 1776.*

**W**HEN, in the course of human events, it becomes necessary for one people to dissolve the political bands which have connected them with another, and to assume, among the powers of the earth, the separate and equal station to which the laws of nature and of nature's God entitle them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.

We hold these truths to be self-evident ; that all men are created equal ; that they are endowed, by their Creator, with certain unalienable rights ; that among these are life, liberty, and the pursuit of happiness.—That to secure these rights, governments are

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instituted among men, deriving their just powers from the consent of the governed ; that whenever any form of government becomes destructive of these ends, it is the right of the people to alter or to abolish it, and to institute new government, laying its foundation on such principles, and organizing its powers in such form, as to them shall seem most likely to effect their safety and happiness. Prudence, indeed, will dictate, that governments long established, should not be changed for light and transient causes ; and accordingly, all experience hath shewn, that mankind are more disposed to suffer, while evils are sufferable, than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same object, evinces a design to reduce them under absolute despotism, it is their right, it is their duty, to throw off such government, and to provide new guards for their future security. Such has been the patient sufferance of these colonies ; and such is now the necessity which constrains them to alter their former systems of government. The history of the present King of Great-Britain, is a history of repeated injuries and usurpations, all having in direct object the establishment of an absolute tyranny over these states. To prove this, let facts be submitted to a candid world.

He has refused his assent to laws the most wholesome and necessary for the public good.

He has forbidden his governors to pass laws of immediate and pressing importance, unless suspended in their operation till his assent should be obtained ; and when so suspended, he has utterly neglected to attend to them.

He has refused to pass other laws for the accommodation of large districts of people, unless those people would relinquish the right of representation in the legislature ; a right inestimable to them, and formidable to tyrants only. He has called together legislative bodies at places unusual, uncomfortable, and distant from the depository of their public records, for the sole purpose of fatiguing them into compliance with his measures.

He has dissolved representative houses repeatedly, for opposing, with manly firmness, his invasions on the rights of the people.

He has refused for a long time, after such dissolutions, to cause others to be elected ; whereby the legislative powers, incapable of annihilation, have returned to the people at large for their exercise ; the state remaining, in the mean time, exposed to all the dangers of invasion from without, and convulsions within.

He has endeavoured to prevent the population of these states ; for that purpose obstructing the laws for naturalization of foreigners ; refusing to pass others to encourage their migrations hither, and raising the conditions of new appropriations of lands.

He has obstructed the administration of justice, by refusing his assent to laws for establishing judiciary powers.

He has made judges dependant on his will alone, for the tenure of their offices, and the amount and payment of their salaries.

He has erected a multitude of new offices, and sent hither swarms

of officers, to harrafs our people and eat out their substance.

He has kept among us, in times of peace, standing armies, without the consent of our legislatures.

He has affected to render the military independent of, and superior to the civil power.

He has combined with others to subject us to a jurisdiction foreign to our constitution, and unacknowledged by our laws: giving his consent to their acts of pretended legislation.

For quartering large bodies of armed troops among us:

For protecting them, by a mock trial, from punishment for any murders which they should commit on the inhabitants of these states:

For cutting off our trade with all parts of the world.

For imposing taxes on us without our consent:

For depriving us, in many cases, of the benefits of trial by jury:

For transporting us beyond seas to be tried for pretended offences:

For abolishing the free system of English laws in a neighbouring province, establishing therein an arbitrary government, and enlarging its boundaries, so as to render it at once an example and fit instrument for introducing the same absolute rule into these colonies:

For taking away our charters, abolishing our most valuable laws and altering fundamentally the forms of our governments:

For suspending our own legislatures, and declaring themselves invested with power to legislate for us in all cases whatsoever.

He has abdicated government here, by declaring us out of his protection, and waging war against us.

He has plundered our seas, ravaged our coasts, burnt our towns, and destroyed the lives of our people.

He is, at this time, transporting large armies of foreign mercenaries to complete the works of death, desolation and tyranny already begun with circumstances of cruelty and perfidy, scarcely paralleled in the most barbarous ages, and totally unworthy the head of a civilized nation.

He has constrained our fellow-citizens, taken captive on the high seas to bear arms against their country, to become the executioners of their friends and brethren, or to fall themselves by their hands.

He has excited domestic insurrections amongst us, and has endeavoured to bring on the inhabitants of our frontiers, the merciless Indian savages, whose known rule of warfare is an undistinguished destruction of all ages, sexes and conditions.

In every stage of these oppressions, we have petitioned for redress in the most humble terms: Our repeated petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a tyrant, is unfit to be the ruler of a free people.

Nor have we been wanting in attentions to our British brethren. We have warned them, from time to time, of attempts by their

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legislature to extend an unwarrantable jurisdiction over us. We have reminded them of the circumstances of our emigration and settlement here. We have appealed to their native justice and magnanimity, and we have conjured them by the ties of our common kindred, to disavow these usurpations, which would inevitably interrupt our connexions and correspondence. They too have been deaf to the voice of justice and of consanguinity. We must, therefore, acquiesce in the necessity which denounces our separation, and hold them, as we hold the rest of mankind, enemies in war, in peace, friends.

WE, therefore, the representatives of the United States of America, in General Congress assembled, appealing to the Supreme Judge of the World for the rectitude of our intentions, do, in the name, and by authority of the good people of these colonies, solemnly publish and declare, That these United Colonies are, and of right ought to be, Free and Independent States; that they are absolved from all allegiance to the British Crown, and that all political connexion between them and the state of Great-Britain, is, and ought to be, totally dissolved; and that as Free and Independent States, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which Independent States may of right do. And for the support of this declaration, with a firm reliance on the protection of Divine Providence, we mutually pledge to each other, our lives, our fortunes, and our sacred honour.



## Docks.

TWO docks, for the convenience of repairing the public ships and vessels, shall be erected in suitable places, under the direction of the President of the U. S. and the sum of 50,000 dollars shall be appropriated towards effecting this object, out of any unappropriated monies in the treasury of the U. S. Feb. 25, 1799, c. 121.



## Duties On Carriages.

1. **A**FTER the last day of August next, the duties laid by the act, intitled, "An act laying duties upon carriages for the conveyance of persons," shall cease, but in lieu thereof, there shall be levied, collected and paid, the following yearly rates and duties upon all carriages for the conveyance of persons, which shall be kept by, or for any person, for his or her own use, or to be let out



for hire, or for the conveyance of passengers, to wit : For and upon every coach, whether driven with a box, or by postilion, the yearly sum of 15 dollars : For and upon every chariot, post-chariot and post chaise, the yearly sum of 12 dollars : For and upon every phaeton for the conveyance of one or more persons, with or without a top ; and for and upon every coachee, or other carriage, having pannel-work, with blinds, glasses or curtains in the upper division of the sides, front or back thereof, the yearly sum of 9 dollars : For and upon every four-wheel carriage, having framed posts and tops, and hanging on steel springs, (whether drawn by one or more horses) the yearly sum of 6 dollars : For and upon every four-wheel top-carriage, hanging upon wooden or iron springs or jacks, (whether drawn by one or more horses) ; and upon every curricule, chaise, chair, falkey, or other two-wheel top-carriage, and upon every two-wheel carriage, hanging or resting upon steel or iron springs, the yearly sum of 3 dollars ; and for and upon every other two wheel carriage, the yearly sum of 2 dollars : And upon every four-wheel carriage, having framed posts and tops, and resting upon wooden spars, the yearly sum of 2 dollars : *Provided*, that nothing herein contained shall be construed to charge with a duty, any carriage usually and chiefly employed in husbandry, or for the transportation or carrying of goods, wares, and merchandize, produce or commodities. May 28, 1796, c. 37, § 1. *Cont. to the last day of August, 1801.*

2. The duties aforesaid shall be levied and collected upon all carriages usually and chiefly employed for the conveyance of persons, by whatever name or description the same have been, or shall hereafter be known and called. And in cases of doubt, any carriage shall be deemed to belong to that class, to which the same shall bear the greatest resemblance, (to be determined in manner herein-after provided) and shall be subject to duty accordingly-*ibid.* § 2.

3. The duties aforesaid shall be levied, collected, received and accounted for, by and under the immediate direction of the supervisors and inspectors of the revenue, and other officers of inspection ; subject to the superintendence, controul and direction of the department of the Treasury, according to the authorities and duties of the respective officers thereof. *ibid.* § 3.

4. Every person having or keeping a carriage or carriages, upon which, a duty or duties shall be payable, according to this act, shall, yearly and in every year, in the month of Sep. or within 60 days previous thereto, make and subscribe a true and exact entry of each and every such carriage ; therein specifying, distinctly, each carriage owned or kept by him or her, for his or her use, or for hire, with the description and denomination thereof, and the rate of duty to which each and every such carriage is liable ; which entry shall be lodged with the officer of inspection for the district, in which such owner or person liable for the payment of such duty shall reside : And it shall be the duty of the officers of inspection, to attend, within the month of Sep. in each year, at

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one or more of the most public and convenient places, in each county within their respective districts, and to give public notice, at least 1 month previous to such day, of the time and place of such attendance, and to receive such entry made in the manner before directed, at such place, or at any other, where he may happen to be within the said month of Sep. and on tender and payment being made of the duty or duties therein mentioned, to grant a certificate for each and every carriage mentioned in such entry; therein specifying the name of the owner, the description and denomination of the carriage, and the sum paid, with the time when, and the period for which, such duty shall be so paid: And the forms of the certificates to be so granted shall be prescribed by the Treasury department; and such certificates, or the acknowledgments of the officer of inspection, by a credit in his public accounts shall be the only evidence, to be exhibited and admitted, that any duty imposed by this act has been discharged: But no certificate shall be deemed of validity, any longer, than while the carriage, for which the said certificate was granted, is owned by the person mentioned in such certificate, unless such certificate shall be produced to the officer of inspection, by whom it was granted; and an entry shall be thereon made, specifying the name of the then owner of such carriage, and the time when he or she became possessed of the same. *ibid.* § 4.

5. Any and all persons, who shall commence the having or keeping of any carriage, subject to duties, after the month of Sep. and before the month of Sep. in the next succeeding year, shall and may, at any time during the month, in which they shall so commence the having or keeping of such carriage, make like entry, in manner before prescribed; and on payment of such proportion of the duties laid by this act, on such carriage, as the time, at which he shall commence the keeping of such carriage, to the end of the month of Sep. then next ensuing, shall bear to the whole year, shall be entitled to, and may demand like certificates, subject, nevertheless, to the conditions before and hereinafter provided. *ibid.* § 5.

6. The duties payable by this act shall, in respect to any and all persons, who shall have, or keep carriages, during the month of Sep. be deemed to commence, and shall be computed from the last day of the said month: And in respect to persons, who shall commence the having or keeping of carriages, after the said month of Sep. the said duties shall be deemed to commence, and shall be computed, from the last day of the month in which they shall so begin to have or keep such carriages; conformably to which, the certificates before, and hereinafter mentioned, shall be issued and granted. *ibid.* § 6.

7. Any person having or keeping any carriage subject to duty, who shall make an untrue or defective entry, to evade the whole or any part of the duty justly and truly payable, according to this act, shall lose the sum paid pursuant to such untrue or defective entry; and where such untrue or defective entry hath been made,

or where no entry shall be made, or where there shall be a neglect of payment after entry, such person shall, moreover, in addition thereto, at any time thereafter, on personal application and demand, at the house, dwelling, or usual place of abode of such person, by the proper officer of inspection, be liable, and shall pay the duties by this act imposed, with a further sum for the benefit of such officer, of 25 per centum : which duties, with the said addition, shall be collected by distress and sale of the goods and chattels of the person, by whom the same shall be due and payable : *Provided always*, that such application and demand shall not be made until 60 days after the day on which any duty shall commence ; and if entry and payment shall be made, within the said 60 days, at the office of inspection of the district, or at any other place, where the inspector may happen to be, the owner of the carriage shall be exempted from the payment of the said sum of 25 per centum : *Provided nevertheless*, that if any person, of whom such application and demand shall be made, shall forthwith present to such officer of inspection, a full and exact description, of the carriage or carriages, on which the duties demanded shall have accrued, with a statement of the cause, matter or thing, whereby an entire exemption from duty is claimed, or whereby a right is claimed under this act, to a remission of a part of the sum demanded. such description and statement being first subscribed and verified on oath or affirmation, before some competent magistrate, by the person, by, or for whom, the same shall be presented ; then and in such case, the officer of inspection shall receive such description and statement, and shall, furthermore, forbear to collect the duties and sum demanded. *ibid.* § 7.

8. The officers of inspection, who shall receive the statements and allegations of persons claiming, either an entire exemption, or a remission of any part of any duty, or sum demanded under authority derived from this act, which may be presented to them, in manner and form before prescribed, shall forthwith transmit the same to the supervisors of their respective districts for their consideration and decision with such proofs and evidence in relation thereto, as they shall judge proper. And the supervisors shall forthwith, on receiving the statements and allegations before-mentioned, with the proofs and evidence accompanying the same, decide thereon, according to the true intent and meaning of this act. *ibid.* § 8.

9. The decisions of the supervisors in the cases referred to them, in manner before prescribed, shall be forthwith communicated to the officers of inspection, whom the same may concern ; and such decisions shall be final and conclusive, when rendered against the demand of any officer of inspection, for any duties imposed by this act : And in cases, where the said supervisors shall decide, that the duties in question, or any part thereof, are justly payable according to this act, the proper officer of inspection shall forthwith collect the same, by distress and sale of the goods and chattels of the persons charged with such duties : *Provided*, That any person



## Duties. (Carriages.)

aggrieved by the decision of a supervisor, may, within 2 months, by application in writing to such supervisor, require that the statements and proofs, on which such decision was founded, be transmitted to the Secretary of the Treasury, who shall have power to determine thereon, and if he judge proper, to direct the duty or duties, which shall have been collected in consequence of such decision, to be returned; and if any such person shall be aggrieved by the decision of the Secretary of the Treasury, he shall be allowed, within 4 months, to institute a suit in the proper district court of the U. S. against the supervisor of the district, for the recovery of any duties collected in pursuance of any decision rendered in manner aforesaid; but the parties maintaining such suits shall, in all such cases, be confined to the assignment and proof of such facts and matters, as may have been previously stated to the said supervisors, in manner before provided. *ibid.* § 9.

10. In all cases, where any duty shall be collected, pursuant to this act, whether by distress or otherwise, certificates shall be granted for each carriage, in manner, as before prescribed. *ibid.* § 10.

11. The supervisors of the revenue, and inspectors of surveys, shall have power, from time to time, to examine, upon oath, or affirmation, any officers or persons employed under them in the collection and receipt of the duties imposed by this act: And any officer or person, who shall swear or affirm falsely, touching any matter hereby required to be verified on oath or affirmation, shall, on conviction thereof, suffer the pains and penalties, which are prescribed for wilful and corrupt perjury. *ibid.* § 11.

12. It shall be lawful for the President of the U. S. to make such allowances for compensation to the officers of inspection employed in the collection of the duties aforesaid, and for incidental expenses, as he shall judge reasonable, not exceeding, in the whole, 5 per centum of the total amount of the said duties collected. *ibid.* § 12.

13. The act, intituled, "An act laying duties on carriages for the conveyance of persons," and so much of the 15 § of the act, intituled, "An act to alter and amend the act, intituled, "An act laying certain duties upon snuff and refined sugar," as authorizes the President of the U. S. to apply a sum not exceeding 5 per centum on the total amount of duties collected on carriages for the conveyance of persons, shall cease, and be repealed, from and after the last day of August next; except for the recovery of any duties or penalties, which shall have accrued, and remain unpaid; any thing in the last section of the act of the last session, intituled, "An act making further provision for the support of public credit, and for the redemption of the public debt, to the contrary notwithstanding. *ibid.* § 13.

**On Imports.**

1. **U**PON all goods, wares and merchandize (not herein particularly excepted) which shall be brought into the U. S. from any foreign port or place; there shall be levied, collected and paid the several and respective duties following, that is to say: molasses, per gallon, 3 cents; Teas from China and India, in ships or vessels of the U. S. bohea per pound, 10 cents; fouchong and other black teas, per pound, 18 cents; hyson, per pound, 32 cents; other green teas, per pound, 20 cents; Teas from Europe, in ships or vessels of the U. S. bohea per pound, 12 cents; fouchong and other black teas, per pound, 21 cents; hyson, per pound, 40 cents, other green teas, per pound, 24 cents: Teas from any other place, or in any other ships, or vessels, bohea per pound, 15 cents; fouchong and other black teas per pound, 27 cents; hyson per pound, 50 cents; other green teas per pound, 30 cents; coffee per pound, 4 cents; loaf sugar per pound, 5 cents; brown sugar per pound, 1 and an half cent; other sugar per pound, two and an half cents; candles of tallow per pound, 2 cents; candles of wax or spermaceti per pound, 6 cents; cheese per pound, 4 cents; soap per pound, 2 cents; pepper per pound, 6 cents; pimento per pound, 4 cents; manufactured tobacco per pound, 6 cents; snuff per pound, 10 cents; indigo per pound, 25 cents; cotton per pound, 2 cents; spikes per pound, 1 cent; barr and other lead per pound, (see art 5) 1 cent; salt per bushel, 12 cents; malt per bushel, 10 cents; boots per pair, 50 cents; wool and cotton cards, per dozen 50 cents; marble, slate and other stones, bricks, tiles, tables, mortars and other utensils of marble or slate, and generally all stone and earthen ware, blank books, writing paper, and wrapping paper, pasteboards, parchment and vellum, pictures and prints, gold, silver and plated ware, gold and silver lace, jewellery and paste work, clocks and watches, shoe and knee buckles, grocery, (except the articles before enumerated) namely, cinnamon, cloves, mace, nutmegs, ginger, anniseed, currants, dates, figs, plumbs, prunes, raisins, sugar-candy, oranges, lemons, limes, and generally, all fruits and comfits, olives, capers and pickles of every sort, oil, mustard in flour, 10 per centum ad valorem; saddles, canes, walking-sticks and whips, cloathing ready made, brushes, anchors, all velvets, velerets, sattins and other wrought silks, cambrics, muslins, muslinets, lawns, laces, gauzes, chintzes, (see art. 6) and colored calicoes, and nankeens, 7 and an half per centum ad valorem. (see art. 18) All goods, wares and merchandize imported directly from China or India in ships or vessels not of the U. S. teas excepted, 12 and an half per centum ad valorem. All coaches, chariots, phaetons, chaises, chairs, solos or other carriages, or parts of carriages, 15 and an half per centum ad valorem; and 5 per centum ad valorem upon all other goods, wares and merchandize, except bullion, tin in pigs, tin plates, old pewter, brass teutenague, iron and brass wire, copper in plates, plaister of Pa-

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ris, wool, dying woods, and dying drugs, raw hides and skins, undressed furs of every kind, the sea-stores of ships or vessels, (see *duties collection of, on imports, art. 45, 46, 47,*) the cloaths, books, household furniture, and the tools or implements of the trade or profession of persons who come to reside in the U. S. philosophical apparatus, specially imported for any seminary of learning, all goods intended to be re-exported to a foreign port or place, in the same ship or vessel in which they shall be imported, and generally, all articles of the growth, product or manufactures of the U. S. Aug. 10, 1790, c. 39, § 1.

2. An addition of 10 per centum shall be made to the several rates of duties above specified and imposed, in respect to all goods, wares and merchandize, which after the said last day of Dec. next, shall be imported in ships or vessels not of the U. S. except in the cases in which an additional duty is herein before specially laid on any goods, wares or merchandizes, which shall be imported in such ships or vessels. *ibid.* § 2.

3. There shall be allowed and paid on dried and pickled fish, of the fisheries of the U. S. and on other provisions salted within the said states, which after the said last day of Dec. next shall be exported therefrom to any foreign port or place, in lieu of a drawback of the duty on the salt which shall have been expended thereupon, according to the following rates; namely: Dried fish per quintal, 10 cents; pickled fish and other salted provisions per barrel, 10 cents. *ibid.* § 4.

4. The several duties imposed by this act shall continue to be collected and paid, until the debts and purposes for which they are pledged and appropriated, shall be fully discharged: *Provided*, That nothing herein contained shall be construed to prevent the legislature of the U. S. from substituting other duties or taxes of equal value to any or all of the said duties and imposts. *ibid.* § 7.

5. The duty of one cent per pound, laid by the act, "making further provision for the payment of the debts of the U. S." on bar and other lead, shall be deemed and taken to extend to all manufactures wholly of lead, or in which lead is the chief article, which shall hereafter be brought into the U. S. from any foreign port or place. March 2, 1791, c. 13, § 1.

6. The duty of 7 and a half per cent ad valorem, laid by the act aforesaid on chintzes, and coloured calicoes, shall be deemed and taken to extend to all printed, stained, and coloured goods, or manufactures of cotton, or of linen, or of both, which hereafter shall be brought into the U. S. from any foreign port or place. *ibid.* § 2.

7. But nothing in this act shall in any wise affect the true construction or meaning of the act aforesaid in relation to any of the above described articles brought into the U. S. before the passing of this act. *ibid.*

8. From and after the last day of June next, the duties now in force upon the articles hereinafter enumerated and described, at their importation into the U. S. shall cease, and in lieu thereof, there shall be thenceforth laid, levied and collected upon the said



articles, at their said importation, the several and respective rates or duties following: viz: WINES, namely: Madeira, of the quality of London particular, per gallon 51 cents: Madeira, of the quality of London market, per gallon, 49 cents: Other Madeira wine, per gallon, 40 cents: Sherry, per gallon, 33 cents: Saint Lucar, per gallon, 30 cents: Lisbon, per gallon, 25 cents: Oporto, per gallon, 25 cents: Teneriffe and Fayall, per gallon, 20 cents: All other wines, 40 per centum ad valorem, Provided that the amount of the duty thereupon shall, in no case, exceed 30 cents per gallon.

SPIRITS, distilled wholly or chiefly from grain: Of the first class of proof, per gallon, 28 cents: of the second class of proof, per gallon, 29 cents: of the third class of proof, per gallon, 31 cents: of the fourth class of proof, per gallon, 34 cents: of the fifth class of proof, per gallon, 40 cents: of the sixth class of proof, per gallon, 50 cents.

ALL OTHER DISTILLED SPIRITS: Of the second class of proof and under, per gallon, 25 cents: of the third class of proof and under per gallon, 28 cents: of the fourth class of proof and under per gallon, 32 cents: of the fifth class of proof and under, per gallon, 38 cents: of the sixth class of proof and under, per gallon, 46 cents.

Beer, ale and porter, per gallon, 8 cents: steel, per hundred weight, 100 cents: nails, per pound, 2 cents: chocolate, per pound, 3 cents: playing cards per pack, 25 cents: shoes and slippers of silk, 20 cents: all other shoes and slippers for men and women, clogs and goloshoes, 10 cents: all other shoes and slippers for children, 7 cents: on hemp, for every 112 pounds, 100 cents: on cables, for every 112 pounds, 180 cents: on tarred cordage, for every 112 pounds, 180 cents: on untarred cordage and yarn, for every 112 pounds, 225 cents: on twine and packthread, for every 112 pounds 400 cents: on coal, per bushel, 4 and a half cents: on salts called Glauber-salts, for every 112 pounds, 200 cents:

ARTICLES AD VALOREM: China wares, looking glass, window and other glass and all manufactures of glass, black quart bottles excepted: muskets, pistols, and other fire arms; swords, cutlasses, hangers and other side arms; (see *arms and ammunition*, art. 5) starch; hair powder; wafers; glue; laces, lines, fringes, tassels, and trimmings, commonly used by upholsterers, coachmakers and saddlers, and paper hangings; painters colors, whether dry or ground in oil, 15 per centum ad valorem; cast, slit and rolled iron, and generally, all manufactures of iron, steel, tin, pewter, copper, brass, or of which either of these metals is the article of chief value, not being otherwise particularly enumerated, brass and iron wire excepted; cabinet wares; leather tanned and tawed, and all manufactures of leather, or of which leather is the article of chief value, not otherwise particularly enumerated; medicinal drugs, except those commonly used in dying; hats, caps and bonnets of every sort; gloves and mittens; stockings; millinery ready made; artificial flowers, feathers and other ornaments for womens head

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9. All articles which are excepted and exempted from duty by the "act making farther provision for the payment of the debts of the U. S." shall continue to be so excepted and exempted, and to the articles heretofore made free from duty, the following shall be added, namely, copper in pigs and bars, lapis calaminaris unmanufactured wool, wood, *ibid.* § 2.

10. From and after the last day of June next, in computing the duty heretofore laid upon salt, a bushel of salt shall be deemed not to exceed the weight of 56 pounds avoirdupois : and as often as the actual bushel of salt shall exceed the said weight, such salt shall be charged in the proportion of the present rate of duty per bushel for every 56 pounds of its actual weight. *ibid.* § 3.

11. After the said last day of June next, there shall be laid, levied, and collected, in addition to the present duty thereupon, a duty of two and a half per centum ad valorem, upon all goods, wares and merchandizes, not above enumerated or described, which, if imported in ships or vessels of the U. S. are now chargeable with a duty of 5 per centum ad valorem. *ibid.* § 4. *This § is continued for 2 years, and by June 7, 1794, c. 54, § 3, is further continued to the 1 day of Jan. 1797 ; but for the continuance of it, until the whole of the capital or principal of the present debt of the U. S. and future loans shall be reimbursed or redeemed. see debts of the U. S. art. 47.*

12. The addition of 10 per centum made by the 2 § of the "act making farther provision for the debts of the U. S." (see art. 2) to the rates of duties on goods, wares and merchandize, imported in ships or vessels not of the U. S. shall continue in full force and operation, after the said last day of June next, in relation to the articles herein before enumerated and described. *ibid.* § 5.

13. All drawbacks and allowances authorized by the act aforesaid, which have not been heretofore abolished or changed, shall continue to operate, as in the said act prescribed in relation to the several duties which shall become payable by virtue of this act, and in addition thereto, there shall be allowed and paid upon provisions salted within the U. S. except upon dried fish, upon the exportation thereof to any foreign port or place, as follows, to wit : On pickled fish, at the rate of 8 cents per barrel, and on other provisions at the rate of 5 cents per barrel ; and from and after the 1 day of Jan. next, there shall be an addition of 20 per centum to the allowances, respectively granted to ships or vessels employed in the bank or other cod-fisheries, and in the terms provided by an act, intituled "An act concerning certain fisheries

of the U. S. and for the regulation and government of the fishermen employed therein," (see *fisheries art. 1*) and during the continuance of the said act. *ibid.* § 6.

14. The act, intituled, "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad and laying others in their stead; and also upon spirits distilled within the U. S. and for appropriating the same," (see *duties on spirits distilled within the U. S. &c. art. 1*) shall extend to, and be in full force for the collection of the duties specified and laid in and by this act, and generally for the execution thereof, as fully and effectually, as if every regulation, restriction, penalty, provision, clause, matter and thing therein contained had been herein inserted and re-enacted. *ibid.* § 9.

15. The several and respective duties aforesaid, except that mentioned in the 4 § of this act, shall continue to be levied, collected and paid, until the debts and purposes, to and for which the duties, hereby directed to cease after the last day of June next, were pledged and appropriated, shall have been fully paid and satisfied; and so much thereof, as may be necessary, shall be, pledged and appropriated, in the same manner, for the same purposes, and with the same force and effect, as those, which are hereby directed to cease after the said last day of June next, and so much of the residue thereof, as may be necessary, shall be appropriated for making good deficiencies in any funds, which may have been designated for satisfying grants and appropriations heretofore made. *ibid.* § 13.

16. The several laws of the U. S. imposing duties on goods, wares and merchandize imported into the U. S. so far as they may be deemed to impose a duty on horses, cattle, sheep, swine or other useful beasts, imported into the U. S. for breed, shall be repealed. Feb. 27, 1793, c. 15, (see *duties, collection of, art. 94*)

17. From and after the last day of June instant, there shall be levied, collected and paid upon the following articles imported into the U. S. in ships or vessels of the U. S. the several duties herein-after mentioned, over and above the duties now payable by law; viz:

On coffee, lump sugar, per pound, 1 cent.

On cheese, per pound, 3 cents.

On boots, per pair, 25 cents.

On shoes and slippers for men and women, and on clogs and golo-shoes, per pair, 5 cents.

On shoes and slippers for children, per pair, 3 cents.

On coal, per bushel, one half a cent.

On millinery ready made, artificial flowers, feathers and other ornaments for womens' head dresses, and on dolls dressed and undressed, 5 per cent. ad valorem.

On cast, slit, and rolled iron, and generally, on all manufactures of iron, steel, tin, pewter, copper, brass, or of which either of those metals is the article of chief value, not being otherwise particularly enumerated, (brass and iron wire, locks, hinges, hoes, an-



- vils, and vifes excepted,) 5 per cent, ad valorem.
- On carpets and carpeting,
  - On leather tanned or tawed, and generally, all manufactures of leather, or of which leather is the article of chief value, not otherwise particularly enumerated.
  - On medicinal drugs, except those commonly used in dying,
  - On matts and floor-cloths,
  - On hats, caps, and bonnets of every fort,
  - On gloves, mittens, stockings, fans, buttons and buckles of every kind,
  - On sheathing and cartridge paper,
  - On all powders, pastes, ball, balsams, ointments, oils, waters, washes, tinctures, essences, or other preparations, or compositions, commonly called sweet scents or odours, perfumes or cosmetics, and on all dentifrice powders or preparations for the teeth or gums,
  - On gold, silver, or plated wares, gold and silver lace, jewellery and paste work, clocks and watches, and the parts of either,
  - On groceries, to wit; cinnamon, cloves, mace, nutmegs, ginger, anniseed, currants, dates, prunes, raisins, oranges, lemons, limes, and generally, all fruits and comfits, olives, capers, pickles of every fort, oil, and mustard in flour,
  - On all marble, slate, or other stone, on bricks, tiles, tables, mortars, and other stone, and generally, on all glass, except window glass, and on all stone and earthen ware,
  - On cabinet wares, and all manufactures of wood, or of which wood is the material of chief value;
  - On all manufactures of cotton or linen, or of muslins; of cotton and linen, or of which cotton or linen, is the material of chief value, being printed, stained or coloured,

Five per cent. ad valorem.

On carriages, and parts of carriages, 4 and a half per cent. ad valorem. June, 7, 1794, c. 54, § 1. *cont. to the 1st. Jan. 1797. the duties laid and contained in and by this act, are continued until the whole of the capital or principal of the present debt of the U. S. and future loans shall be reimbursed or redeemed. (see debts of the U. S. art. 47.)*

18. After the said last day of June instant, there shall be laid, levied and collected, in addition to the present duty thereupon, a duty of two and a half per cent. ad valorem, upon all goods, wares and merchandize, which, if imported in ships or vessels of the U. S. are now chargeable, by law, with a duty of 7 and a half per cent. ad valorem. *ibid.* § 2.

19. An addition of 10 per centum, shall be made, to the several rates of duties, above specified and imposed, in respect to all

goods, wares and merchandize, which, after the said last day of June instant, shall be imported in ships or vessels, not of the U. S. *ibid.* § 4.

20. In lieu of the present duties, there shall levied collected and paid, upon all printing types, which, after the last day of March next, shall be imported into the U. S. in ships or vessels of the U. S. at the rate of ten per cent. and upon all girandoles, at the rate of 20 per cent. ad valorem; after the said last day of March next, the present duties payable upon clayed sugars, shall cease, and there shall be paid upon all white clayed or white powdered sugars, 3 cents per pound, and upon all other clayed or powdered sugars, one and a half cent per pound; upon Malaga wine, 20 cents; upon burgundy and champaign, 40 cents per gallon. Jan. 29, 1795, c. 82, § 1.

21. After the said last day of March, teas, commonly called imperial, gunpowder or gomee, shall pay the same duties as hyson teas: and where any entire article is, by any law of the U. S. made subject to the payment of duties, the parts thereof, when imported separately, shall be subject to the payment of the same rate of duties. *ibid.* § 2.

22. The duty on any wines imported into the U. S. shall not be less than 10 cents per gallon, and bottles, in which any liquor is imported, shall be subject to the payment of the like duty as empty bottles. *ibid.* § 3.

23. In respect to the aforesaid duties, and the duties heretofore imposed on goods, wares and merchandize imported into the U. S. there shall be an addition of 10 per cent. to the several rates of duties, when imported in ships or vessels not of the U. S. except in cases, where such additional duty has been before specially laid on any goods, wares or merchandize imported in such ships or vessels. *ibid.* § 5.

24. The duties aforesaid shall be collected in like manner, and under the same regulations, restrictions and provisions, and subject to the like appropriations, as goods, wares and merchandize imported into the U. S. are now subject to. *ibid.* § 6.

25. From and after the 30 June next, the following duties, in addition to those now in force, and payable on the several articles hereinafter enumerated, shall be laid, levied and collected upon those articles, respectively, at their importation into the U. S. from any foreign port or place, viz. upon all brown sugar, per pound, one half cent; upon all bohea tea, per pound, 2 cents; upon all molasses, per gallon, 1 cent; and upon all velvets and velverets, whether printed, stained, coloured, or otherwise, and upon all muslins and mullinets, and other cotton goods, not printed, stained or coloured, 2 and a half per centum, ad valorem. March, 3, 1797, c. 64, § 1.

26. From and after the said 30 June next, the duties now in force, and payable upon sugar-candy, and cocoa, imported into the U. S. shall cease; and in lieu thereof, there shall thenceforth be levied and collected the following duty, viz. upon all sugar-

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sandy, at its importation into the U. S. from any foreign port or place, 9 cents per pound; and upon all cocoa upon its importation as aforesaid, 2 cents per pound. *ibid.* § 2.

27. An addition of 10 per centum, shall be made to the several rates of duties above specified and imposed, in respect to all such goods, wares and merchandize, as aforesaid, as shall, after the said last day of June next, be imported in ships or vessels, not of the U. S. *ibid.* § 3.

28. The duties laid by this act, shall be levied and collected in the same manner, and under the same regulations and allowances as to drawbacks, mode of security, and time of payment, respectively, with the several duties now in force, on the respective articles herein-before enumerated. *ibid.* § 4.

29. On account of the additional duties laid on brown sugar and molasses, by this act, the following sums, respectively, shall, from and after the last day of Dec. next, be added to the drawbacks now allowed and paid by law on sugar refined within the U. S. and exported therefrom, and on spirits distilled from molasses within the U. S. and exported therefrom, viz. on all sugars refined and exported, one cent per pound, and on all spirits so distilled and exported, one cent per gallon; which additional drawbacks shall be allowed and paid according to the regulations now established by law, respecting the present drawbacks, allowed on the said articles. *ibid.* § 5.

30. The proceeds of the duties laid by this act, shall be appropriated. First for the payment of the principal of the present foreign debt of the U. S. Secondly, for the payment of the principal of the debt now due by the U. S. to the bank of the U. S. *ibid.* § 6.

31. After the 30 day of Sep. next, there shall be levied, collected and paid, upon all salt imported into the U. S. in ships or vessels of the U. S. in addition to the duty of 12 cents now payable by law, 8 cents per bushel, and on all salt which after the said 30 day of Sep. shall be imported into the U. S. in ships or vessels not of the U. S. the like additional duty of 8 cents, and 10 per centum thereon. July 8, 1797, c. 12, § 1. *cont. 2 years and to the end of the next session.*

32. All drawbacks and allowances now authorized by law, in relation to the existing duty on salt imported into the U. S. shall apply to the additional duty laid by this act, and in addition thereto, there shall be allowed and paid upon provisions salted within the U. S. except upon dried fish, upon the exportation thereof to any foreign port or place as follows, viz. on pickled fish at the rate of 12 cents per barrel, and on other provisions at the rate of 10 cents per barrel; and after the first day of Jan. next, there shall be an addition of 33 and a third per centum to the allowances now respectively granted to ships or vessels employed in the bank or other cod fisheries, and in the terms provided by an act, intitled, "an act concerning certain fisheries of the U. S. and for the regulation and government of the fishermen employed therein,"



(see fisheries art. 1) and during the continuance of the said act. *ibid.* § 2. (see duties on sugar refined, art. 9, 10)



## On Licenses for selling Wines and foreign distilled Spirituous Liquors by Retail.

1. **E**VERY person, who shall deal in the selling of wines, to be carried or sent out of the house, building or place of his or her dwelling, in a less quantity, or in less quantities, at one time, than 30 gallons, except in the original cask, case, box or package, wherein the same shall have been imported, shall be deemed to be, a retail-dealer in wines, within the meaning of this act; and every person, who shall deal in the selling of any foreign distilled spirituous liquors, to be carried or sent out of the house, building or place of his or her dwelling, in less quantities than 20 gallons, at one time, shall be deemed to be, a retail-dealer in foreign distilled spirituous liquors: *Provided*, That nothing herein contained shall be construed to extend to persons, who, as keepers of taverns, inns or houses of entertainment, duly licensed or authorized under any law of a state, shall vend or sell really and truly for consumption, within the houses, buildings or premises, only, by them respectively occupied or kept, as taverns, inns, or other houses of entertainment, wines or distilled spirituous liquors, in whatsoever quantity, nor to physicians, apothecaries, surgeons or chemists, as to any wines or spirituous liquors, which they may use in the preparation or making up of medicines, for sick, lame or diseased persons only. June 5, 1794, c. 48, § 1.

2. Every person, who, on the 30 day of Sep. next, shall be a retail-dealer in wines, or foreign distilled spirituous liquors, as above described and defined, both, or either of them, shall, before the said day, and every person, who, after the said day, shall become, or intend to become such retail-dealer in wines or foreign distilled spirituous liquors, both or either of them shall, before he or she shall begin to vend, or sell, by retail, any wine or wines, or foreign distilled spirituous liquors, apply for and obtain, in manner hereinafter directed, a license for carrying on the business of retailing wines or foreign distilled spirituous liquors, as the case may be, that is to say; one license for carrying on the business of retailing wines, and another license for carrying on the business of retailing foreign distilled spirituous liquors; which licenses respectively, shall be granted for the term of one year, upon the payment of 5 dollars for each license; and shall be renewed, yearly, upon the payment of the like sum of 5 dollars for each license. And if any person shall, after the said day, deal in the selling of wines or foreign distilled spirituous liquors, by retail, as above described and

defined, without having a license therefor, as aforesaid, continuing in force, such person shall forfeit and pay the sum of 50 dollars, to be recovered with costs of suit. And no such license shall be sufficient for the selling of wines, or foreign distilled spirituous liquors, by retail, at more than one place; but any person, who, by colour of such license, shall sell any wines, or foreign distilled spirituous liquors, at more than one place, shall be deemed to be, in respect to such of the said articles, as he or she shall so sell, at more than one place, a retail-dealer therein without license, and shall forfeit and pay the like sum of 50 dollars, to be recovered with costs of suit. *ibid.* § 2.

3. It shall be the duty of the supervisors of the revenue, within their respective districts, to grant licenses for carrying on the said businesses, respectively, of retailing wines and foreign distilled spirituous liquors, which licenses shall be marked or stamped with a mark or stamp, denoting the sum of the duty thereupon; and shall be signed by the supervisor of the revenue, who shall issue the same, or cause the same to be issued, and shall be granted to any person, who shall desire the same, upon application made at any office of inspection, for that purpose, in writing, specifying the name of the person for whom a license is requested, and the place or premises, where the business, for which the same is requested to be carried on, and also upon payment or tender to the officer thereof, of the sum or duty payable by this act, upon each license requested. And, to the end, that all persons carrying on, or intending to carry on, both or either of the said businesses, may obtain, with ease and dispatch, the licenses, whereof they shall respectively stand in need, it is hereby made the duty of the respective supervisors, to prepare and furnish to the several officers of inspection acting under them, licenses signed by them, with the proper marks and stamps, in competent number, and with blanks for the names of the persons for whom they shall be requested, and the places or premises respectively where the business or businesses, for which they are requested, is or are to be carried on. And the officer of inspection, to whom such application and payment, or tender as aforesaid, shall be made, shall forthwith issue the license or licenses requested, having first filled the blanks therein, and countersigned the same. *Provided*, That no license shall be granted to any person to sell wines or foreign distilled spirituous liquors, who is prohibited to sell the same, by the laws of any state. *ibid.* § 3.

4. The duties aforesaid shall be received, collected, accounted for, and paid under and subject to the superintendence, controul and direction of the department of the treasury, according to the authorities and duties of the respective officers thereof. *ibid.* § 4.

5. All fines, penalties and forfeitures, which shall be incurred by force of this act, shall and may be sued for, and recovered, in the name of the U. S. or of the supervisor of the revenue, within whose district, any such fine, penalty or forfeiture, shall have been incurred, by bill, plaint or information, one moiety thereof to the use of the U. S. and the other moiety thereof to the use of the

person, who, if an officer of inspection, shall first discover, if other than an officer of inspection, shall first inform of the cause, matter or thing, whereby any such fine, penalty or forfeiture, shall have been incurred, and where the cause of action or complaint shall arise or accrue more than fifty miles distant from the nearest place by law established for the holding of a district court within the district in which the same shall arise or accrue, such suit and recovery may be had before any court of the state holden within the said district having jurisdiction in like cases. *ibid.* § 5.

6. It shall be lawful for the President of the U. S. to make such allowances for compensation to the officers of inspection employed in the collection of the duties aforesaid, and for incidental expenses, as he shall judge reasonable, not exceeding in the whole, two and a half per centum of the total amount of the said duties collected, *ibid.* § 6.

7. This act shall continue and be in force for the term of two years, and from thence to the end of the then next session of Congress. *ibid.* § 7. *further continued by March, 3, 1795, c. 110, § 20, to the 1 day of March 1801.*



## On Sales at Auction.

1. **A**FTER the 30 day of Sep. next. there shall be levied, collected and paid, for the use of the U. S. upon all sales by way of auction, as herein-after described, which shall be made within the U. S. the respective rates and duties following, to wit: The sum of one-fourth part of a dollar for every 100 dollars of the purchase-money arising by sale at auction, of any interest, right or estate in any lands, tenements or hereditaments, and of any utensils in husbandry, and farming stock, ships and vessels, and the sum of one half of a dollar, for every 100 dollars of the purchase-money, arising by sale at auction, of all other goods, chattels, rights and credits whatsoever, and at the same rate for any greater or lesser sum, except as herein-after excepted: The said respective rates and duties to be paid by the auctioneer or person making such sales at auction, out of the monies arising from each and every such sale. *Provided*, That nothing in this act contained, shall extend to any sale or sales by auction, of estates, goods or effects, made pursuant to, or in execution of any rule, order, decree, sentence or judgment of any court of the U. S. or of either of them; or made in virtue, or by force of any distress for rent, or other cause, for which a distress is allowed by law; or made in consequence of any bankruptcy or insolvency, pursuant to any law concerning bankruptcies or insolvencies; or made in consequence of any general assignment of property and effects, for the benefit of creditors; or made by or on behalf of executors or administrators;



or made of the produce of the land, upon the land where such produce was raised; or made of any farming utensils, stock or household furniture, by persons removing from the place of their former residence, where the amount of each sale of such farming utensils, stock or household furniture shall not exceed 200 dollars; or made pursuant to the directions of any law of the U. S. or of either of them touching the collection of any tax or duty; or disposal by auction of public property of the U. S. or of any state; nor to any such sale or sales by auction, of ships, their tackle, apparel and furniture, or the cargoes thereof, which shall be wrecked or stranded within the U. S. and sold for the benefit of the insurers or proprietors thereof. June 9, 1794, c. 65, § 1.

2. No person, after the said 30 Sep. next, shall exercise the trade or business of an auctioneer, by the selling of any estates, goods or effects whatsoever by auction, or any other mode of sale, whereby the best or highest bidder is deemed to be the purchaser, unless such person shall have a license or other special authority, continuing in force pursuant to some law of a state, or issued pursuant to the directions of this act, on pain of forfeiting, for every such sale at auction, the sum of 400 dollars, together with the sums or duties payable by this act upon the estates, goods or effects so sold: *Provided however*, That nothing herein contained, shall be construed to require a license for the sale at auction of any estate, goods, chattels, or other thing, which by this act are exempted from duty. *ibid.* § 2.

3. Every person, who before the said 30 Sep. next, shall have a license or special authority, pursuant to any law of any state, for exercising the said trade or business of an auctioneer, shall, before or upon the said day, and every person, who, after the said day, shall have such special license or authority, shall, within 30 days after the obtaining or receiving of the same, give notice thereof in writing, under his hand, to the office of inspection nearest to the place, where he shall carry on or intend to carry on the said trade or business of an auctioneer, specifying in such notice, the date or commencement of such license, or other special authority, the term for which the same was granted or given, by whom, and by what law of a state, the same was granted or given; and shall also give bond to the U. S. in a sum of 1500 dollars, to be taken by the officer, at whose office the notice aforesaid shall be given, with condition that he will, on the first day of Jan. April, July and Oct. in each year, while he shall continue to exercise the said trade or business, render to the person or persons, who, on behalf of the U. S. shall be authorized to receive the same, a true and particular account in writing, of the monies or sums, for which any estates, goods or effects have been sold, at every sale at auction by him made, and of the several articles, lots and parcels, which shall have been sold, the price of each article, lot or parcel in every such sale, by whom bought, that is to say; first from the date of such bond, until such of the aforesaid days, as shall accrue next thereafter, and thenceforth from the day, to which an account

shall have been last rendered, until such of the said days, as shall next thereafter ensue, and so on in succession, from one of the said days to another, so long as he shall continue to exercise his said trade or business, and also shall pay all such sums of money as shall be due to the U. S. upon the said sales, according to the true intent and meaning of this act, which sums he is hereby authorized and directed to retain, out of the produce of each sale made as aforesaid. And a like notice and bond shall be given in like manner, as often as any such license, or special authorities shall have expired and been renewed. And if any person shall, after the said 30 Sep. next, by virtue or color of any such license, or special authority, as aforesaid, make any sale or sales at auction, without having given bond, as aforesaid, within the time for that purpose prescribed, or without renewing such bond upon the expiration and renewal of any such license, or special authority, he shall forfeit and pay for every such sale by him made, the sum of 400 dollars, together with the sums or duties payable by this act, upon the estates, goods or effects so sold. *ibid.* § 3.

4. The several supervisors of the revenue may, within their respective districts, and, upon request of any person or persons desirous thereof, shall grant licenses, without fee or reward, for a term not exceeding 1 year, at one time, to exercise the trade or business of an auctioneer; and such licenses, upon like request, may and shall, from time to time, renew: *Provided*, That no such license shall be granted or renewed until the person or persons requesting the same, shall have become bound to the U. S. with one or more sureties, to the satisfaction of the supervisor, of whom such license shall be requested, in the sum of 1500 dollars, with like condition as is herein before prescribed for persons having licenses by virtue of some law of a state: *And provided*, That no such licence shall be granted to carry on the said trade or business, in any city, town or country of any state, in respect to which, provision hath been made by any law of such state, for the allowing and regulating of the said trade and business therein. *ibid.* § 4.

5. Every person who shall have a license from a supervisor of the revenue, continuing in force, shall and may retain, in order to the payment of the duties hereby imposed, all such sum and sums of money, as shall be due and payable upon any estates, goods or effects by him sold at auction as aforesaid, according to the true intent and meaning of this act. *ibid.* § 5.

6. The accounts to be rendered and the duties to be, from time to time, paid as aforesaid, by any auctioneer, shall be rendered and paid to the inspector of the revenue, within whose survey such auctioneer, shall exercise his said trade or business, or to his deputy duly appointed under his hand and seal, and such auctioneer shall make oath or affirmation, according to the best of his knowledge and belief, to the truth of every account, which he shall render before the officer or person, to whom such account shall be rendered, and who is hereby authorized to administer the said oath or affirmation, in default of which, such account shall not be

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deemed to be duly rendered, according to the condition of the bond of such auctioneer. And to the end that such accounts may be accurately kept and rendered, it is hereby made the duty of every auctioneer to enter, from day to day, as often as any sale shall be made, in a book, or on a paper to be kept by him for that purpose, the amount and particulars of the respective sales by him made; which book or paper shall at all reasonable times, upon request made, be submitted for examination to the officer of inspection, within whose survey or division, such auctioneer shall be, on pain of forfeiting, for every refusal to comply with such request, the sum of 500 dollars. *ibid.* § 6.

7. If it shall appear to the satisfaction of the supervisor, within whose district he shall be, that an auctioneer hath acted agreeably to the condition of the bond which he shall have given, and to the directions of this act, during the time, to which his said bond shall relate, the same having expired; then, and in every such case, the said supervisor shall cause such bond to be delivered up; but in case no such account shall be delivered, as herein-before mentioned, or if it shall appear, that any such account was not truly made, or that the party hath acted in any other respect, contrary to the true intent and meaning of his bond and of this act, it shall be the duty of such supervisor of the revenue, to cause such bond to be prosecuted according to law, and in case of a verdict or judgment against the defendant, he shall afterwards, upon every sale by him of any estates, goods or effects at auction, be liable to all the penalties, which may be incurred by this act, for acting as an auctioneer without license. *ibid.* § 7.

8. If any sale at auction of any lands, tenements or hereditaments, shall be, or become void, by reason of defect of title, the supervisor of the revenue, within whose district such sale shall be, is hereby authorized and required, upon due and sufficient proof of such sale being or becoming void, for the reason aforesaid, to cause to be remitted the duty or duties thereupon otherwise payable, according to this act. *ibid.* § 8.

9. Every auctioneer, out of the proceeds of the duties, which he shall retain and pay, as aforesaid, shall be allowed a commission of 1 per centum, upon the amount thereof, for his trouble in and about the same. *ibid.* § 9.

10. It shall be lawful for the President of the U. S. to make such allowances for compensations to the officers of inspection, employed in the collection of the duties aforesaid, and for incidental expenses, as he shall judge reasonable, not exceeding in the whole 2 and an half per centum of the total amount of the said duties collected. *ibid.* § 10.

11. If any person shall wilfully swear or affirm falsely, touching any matter herein before required to be verified by oath or affirmation, he shall suffer the pains and penalties, which by law are prescribed for wilful and corrupt perjury; and, if an officer, shall forfeit his office, and be incapable of afterwards holding any office under the U. S. *ibid.* § 11.



12. All fines, penalties and forfeitures, which shall be incurred by force of this act, shall and may be sued for and recovered, in the name of the U. S. or of the supervisor of the revenue, within whose district any such fine, penalty or forfeiture shall have been incurred, by bill, plaint, or information; one moiety thereof to the use of the U. S. and the other moiety thereof to the use of the person, who, if an officer of inspection, shall first discover, if other than an officer of inspection, shall first inform of the cause, matter, or thing, whereby any such fine, penalty or forfeiture shall have been incurred. And where the cause of action or complaint shall arise or accrue more than 50 miles distant from the nearest place by law established for the holding of a district court, within the district, in which the same shall arise or accrue, such suit and recovery may be had, before any court of the state holden within the said district, having jurisdiction in like cases. *ibid.* § 12.

13. This act shall continue for the term of two years, and from thence, to the end of the next session of Congress. *Further continued by March 1, 1795, c. 110, § 20, to the 1 March 1801.*



## On Snuff manufactured in the United States.

1. **T**HE duty of 8 cents per pound on snuff, laid by the act of the last session, intituled, "An act laying certain duties upon snuff and refined sugar," shall cease on the last day of March, in the present year, but in lieu thereof, there shall be levied and collected upon all mills employed in the manufacture of snuff within the U. S. the following yearly rates and duties, to wit: For and upon each and every mortar contained in any mill worked by water, and for every pair of millstones employed in the manufacture of snuff, 560 dollars: upon every pestle in any mill, other than mills worked by hand, 140 dollars: upon every pestle in any mill worked by hand, 112 dollars: and upon every mill in which snuff is manufactured by stampers and grinders, 2240 dollars per annum. March 3, 1795, c. 108, § 1.

2. The duties aforesaid, shall be levied, collected and accounted for, by the same officers, as are provided by the act, intituled, "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the U. S. and for appropriating the same," subject to the superintendence and controul of the department of the treasury according to the respective authorities and duties of the officers thereof. *ibid.* § 2.

3. Every person, who shall be a manufacturer of snuff, on the 1 day of April, in the present year, shall, within 30 days thereafter, and in each succeeding year, at least 30 days before the 1 day

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of April, make a true and exact entry or entries, in writing, at the office of inspection which shall be nearest to the house or building where he shall carry on the business or trade of manufacturing snuff, therein specifying, truly and particularly, every house or building in which the said manufacture shall be carried on, with the number of mortars in every mill by him owned, occupied or used, and worked by water, and every pair of millstones used or employed in the manufacture of snuff, and every pestle in every mill as aforesaid, distinctly specifying such pestles as are worked by other means than by hand, and also every pestle worked by hand, as also every mill in which snuff is manufactured by stampers and grinders: And every person who shall commence the business or trade of manufacturing snuff, after the said 1 day of April, shall, at least 30 days before commencing such manufacture, make like entry or entries yearly, in manner as is before directed; and in failure thereof, every such manufacturer shall forfeit and lose every mill, in respect to which such entry shall not be made, with the utensils thereto belonging, and shall also forfeit and pay 500 dollars, to be recovered with costs of suit. *ibid.* § 3.

4. Every person who shall be, on the 1 day of April, in the present year, or at any time thereafter, a manufacturer of snuff within the U. S. and who shall have made the entry or entries herein before directed, shall be entitled, on application therefor, in writing, by himself, or his agent or attorney, to the officer of inspection with whom entry shall have been made, to receive a license for each and every mill by him owned, occupied, or used in carrying on the said manufacture of snuff, for the term of 1 year, which license shall be granted without fee or charge, upon the condition of giving a bond or bonds, with one or more sufficient sureties, for the amount of the duty or duties for one year, which, according to this act, ought to be paid for and upon the mill, in respect to which the said license is requested, with condition to pay the same in 3 equal parts: one-third part at the expiration of 9 months, another third part at the expiration of 12 months, and the remaining third part, at the expiration of 15 months, from the date of such license: *Provided*, That in lieu of the said bond or bonds, it shall be at the option of the manufacturer to pay the said amount of the said duty immediately, with a deduction or abatement of 6 per cent. *ibid.* § 4.

5. The licenses herein directed to be granted, shall be prepared by the supervisors of the revenue, respectively, pursuant to such forms as shall be prescribed by the treasury department; and when issued, such licenses shall, in respect to all persons who shall be manufacturers of snuff, on the 1 day of April in the present year, bear date on the said day: and in respect to all persons who shall thereafter commence the said manufacture, such license shall bear date on the 1 day of the quarter of the year in which the said licenses shall be issued; and the said quarters of the year shall commence on the 1 days of Jan. April, July and Oct. in each year. *ibid.* § 5.

6. Every manufacturer of snuff, to whom a license shall have

been granted, so long as he or she shall intend to carry on the business of manufacturing snuff, shall yearly, and every year, within the 30 days immediately preceding the expiration of each license, apply for a new license for the next succeeding year, in manner heretofore directed, and in like manner, shall pay or secure the payment of the duties for such year. *ibid.* § 6.

7. If, after the 1 day of April next, any person shall carry on the business of manufacturing snuff, without a license for that purpose, according to this act, or shall carry on the same at or with any mill other than that mentioned in such license, such manufacturer, so offending, shall forfeit and pay upon every conviction of such offence, treble the yearly amount of the duty hereby charged upon the mill or mills wherein or whereby the said business shall be so carried on. And all duties and penalties imposed by this act, shall attach to, and remain as a lien upon each and every mill in respect to which such duty or penalty shall have accrued, until the same be fully satisfied and paid. *ibid.* § 7.

8. Upon all snuff, which, after the last day of March, 1795, shall be manufactured in the U. S. and shall be exported therefrom, under the limitations and provisions hereinafter prescribed, the exporter or exporters thereof shall be entitled to a drawback of 6 cents per pound: *Provided*, That the quantity exported at any one time by the same person, shall amount to 300 pounds. *ibid.* § 8.

9. In order to entitle the exporter or exporters of any snuff, to a drawback thereon, every such person shall, previous to the removal thereof, from the mill or warehouse, where the same may be, make out, in writing, an exact entry, in which shall be specified the outward packages, in which the same is intended to be exported, the name of the manufacturer, and the marks and numbers of each, the quantity of snuff in each package, and the number of bottles, canisters, bladders, or other packages containing the same, the name of the vessel and commander, in which such snuff is intended to be exported; and shall make oath or affirmation to the truth of such entry, that the snuff therein specified was manufactured in the U. S. after the last day of March 1795, and the name or names of the person by whom, and the mill where it was manufactured, and that the same is truly and bona fide intended to be exported out of the U. S. and that no part thereof is intended to be reloaded therein. And upon such entry being so made and certified, it shall be the duty of the collector to whom such entry is tendered, to cause the said packages to be examined, and to permit the same to be exported, under the inspection of an officer of the customs, in like manner as is provided for the exportation of other goods, wares, and merchandize entitled to drawback: *Provided*, That no drawback shall be allowed on any snuff, except the same shall be exported from any of the ports, at which ships or vessels from the Cape of Good Hope, or from any place beyond the same, are admitted to make entry. *ibid.* § 9.

10. Every exporter of snuff, entitled to drawback shall enter in-

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to bonds, with one or more sureties, in an amount equal to double the amount of the drawback, conditioned, that the same shall not be relanded within the U. S. and the master or commander of the ship or vessel in which such snuff is reported to be shipped, shall make oath or affirmation, that the packages specified in the outward entry, are actually laden on board his ship or vessel, and that the same or any part thereof, shall not be relanded in the U. S. and upon such oath or affirmation being made, and the other provisions of the act being complied with, the collector, with whom such entry is made, shall grant a debenture or debentures, for the amount of the drawback to which such snuff is entitled, payable in 12 months from the time of granting the same; and such debenture or debentures shall be discharged by the collector granting the same, at the expiration of the term, out of any public money in his hands. *ibid.* § 10.

11. Before the payment of any debenture, the person demanding such payment shall produce to the collector, the oath or affirmation of the master and mate of the vessel, (in which the snuff, for which such debenture was granted) declaring that the same was actually landed in some foreign port or place, and was not, or any part thereof, to the best of their knowledge and belief, relanded or brought back to the U. S. and the person demanding such payment shall likewise make oath or affirmation, in like manner, that the snuff, for which such debenture was granted, was not, according to his best knowledge and belief, relanded in, or brought back to the U. S. But in cases of loss at sea, or other unavoidable accident, whereby the oath or affirmation of the captain or mate of the ship or vessel cannot be obtained, it shall be lawful for the comptroller of the Treasury to admit such other proof as to him shall appear satisfactory, under the special circumstances of the case. *ibid.* § 11.

12. If any snuff entered for exportation, with intention to obtain a drawback thereon, shall be relanded or attempted to be relanded within the U. S. it shall be subject to seizure and forfeiture, together with the ship or vessel from which it shall be unladen, and the vessel or boat in which it shall be put; and the master or commander of the ship or vessel from which the same is unladen, shall moreover forfeit and pay 500 dollars: *Provided*, That every prosecution for any such offence, shall be commenced within 12 months from the time when the same was committed, and that the ship, vessel or boat from which any such snuff shall be unladen or landed, shall continue subject to such seizure and forfeiture for 12 months from the time the offence was committed, and no longer. *ibid.* § 12.

13. It shall be the duty of the collectors granting debentures for snuff exported, to keep a separate account thereof, and to specify the mill or mills in which each parcel exported, was manufactured. And the Secretary of the Treasury shall cause an account to be laid before the legislature, annually, of the produce of the revenue arising from snuff, and of the amount of the drawbacks

for which debentures have been granted in each year. *ibid.* § 13.

14. All penalties and forfeitures which shall be incurred pursuant to this act, shall be divided and distributed, one-half thereof to the use of the U. S. and the other half to the use of the person, who, if an officer of inspection, shall first discover, or if not an officer of inspection, shall first give information of the cause, matter or thing, whereby any of the said penalties and forfeitures shall have been incurred. *ibid.* § 14.

15. It shall be lawful for the President of the U. S. to make such compensation to the officers of inspection employed in the collection of the duties aforesaid, and on refined sugar, and for incidental expenses, as he shall judge reasonable, not exceeding in the whole 5 per centum of the total amount of the said duties collected. *ibid.* § 15.

16. From and after the last day of March, in the present year, the several clauses and provisions of the act, intituled, "An act laying certain duties upon snuff and refined sugar," so far as the same shall relate to the laying and collecting of duties on snuff manufactured in the U. S. shall be repealed; except as to the recovery and receipt of such duties on snuff as shall then have accrued, and the payment of drawbacks on snuff exported, and as to the recovery of any penalties and forfeitures, which shall have been incurred; before, and on the said day, but the revenue to arise from the duty on snuff manufactured within the U. S. shall remain charged with the same appropriations as if this act had not passed: and this act shall continue in force, until the first day of March, 1801. *ibid.* § 16.

17. So much of the act, intituled, "An act to alter and amend the act, intituled, "An act laying certain duties upon snuff and refined sugar," as respects the duties therein laid upon mills and implements employed in the manufacture of snuff, and the drawbacks therein allowed, upon the exportation of snuff manufactured within the U. S. is suspended, from the passing of this act, until the end of the next session of Congress. *March, 3, 1797, c. 72, § 1.*

18. In all cases of licenses granted under the said act, where, by failure of water, or other casualty, occurring to the mill or mills, or to the implements or to the proprietor, or other person licensed, the use and benefit of such license has been lost, or considerably interrupted, and the duties thereon required or paid, may be considered as peculiarly unequal and injurious, the Secretary of the Treasury, upon due representation and proof of such case, is authorized to cause to be refunded or remitted, such part of the duties paid, or secured on such license, as shall appear just and reasonable, under the circumstances of the case, and having regard to the loss, injury, or peculiar hardship sustained as aforesaid, *ibid.* § 2.

19. All such parts of any law or laws heretofore passed, as impose duties upon mills and implements employed in the manufacture of snuff, or allow drawbacks upon the exportation of snuff manufactured within the U. S. are suspended until the end of the 1st session of the sixth Congress of the U. S. *July 16, 1798, c. 97.*

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## On Spirits distilled within the United States, and on Stills.

1. **I**N order to a due collection of the duties imposed by this act, the U. S. shall be divided into 14 districts, each consisting of 1 state, but subject to alterations by the President of the U. S. from time to time, by adding to the smaller such portions of the greater as shall in his judgment best tend to secure and facilitate the collection of the revenue; which districts it shall be lawful for the President of the U. S. to subdivide into surveys of inspection, and the same to alter at his discretion. The President shall be authorized to appoint, with the advice and consent of the Senate, a supervisor to each district, and as many inspectors to each survey therein as he shall judge necessary, placing the latter under the direction of the former. But the President, may with the advice and consent of the Senate, in his discretion appoint, such and so many officers of the customs to be inspectors in any survey of inspection as he shall deem advisable to employ in the execution of this act: *Provided*, That where, in the judgment of the President, a supervisor can discharge the duties of that office, and also that of inspector, he may direct the same: March 3, 1791, c. 15, § 4.

2. The supervisors, inspectors and officers to be appointed by virtue of this act, and who shall be charged to take bonds for securing the payment of the duties upon spirits distilled within the U. S. and with the receipt of monies in discharge of such duties, shall keep fair and true accounts and records of their transactions in their respective offices, in such manner and form as may be directed by the proper department or officer having the superintendence of the collection of the revenue, and shall at all times submit their books, papers and accounts to the inspection of such persons as are or may be appointed for that purpose, and shall at all times pay to the order of the officer, who is or shall be authorized to direct the payment thereof, the whole of the monies which they may respectively receive by virtue of this act, and shall also once in every 3 months, or oftener if they shall be required, transmit their accounts for settlement to the officer or officers whose duty it is, or shall be to make such settlement. *ibid.* § 5.

3. All officers and persons to be appointed pursuant to this act, before they enter on the duties of their respective offices, shall take an oath or affirmation diligently and faithfully to execute the duties of their said offices respectively, and to use their best endeavours to prevent and detect frauds, in relation to the duties on spirits imposed by this act, which oath or affirmation may be taken before any magistrate authorized to administer oaths within the district or survey to which he belongs, and being certified under the hand and seal of the magistrate by whom the same shall have been administered, shall within 3 months thereafter be transmitted to the comptroller of the treasury, in default of taking which oath or



affirmation, the party failing shall forfeit 200 dollars for the use of the U. S. to be recovered with costs of suit. *ibid.* § 6.

4. The supervisor of the revenue for each district, shall establish one or more offices within the same, as may be necessary; and in order that the said offices may be publicly known, there shall be painted or written in large legible characters upon some conspicuous part outside and in front of each house, building or place in which any such office shall be kept, these words, "OFFICE OF INSPECTION," and if any person shall paint or write, or cause to be painted or written, the said words, upon any other than such house or building, he or she shall forfeit and pay for so doing, 100 dollars. *ibid.* § 7.

5. The duties on spirits distilled within the U. S. shall be collected under the management of the supervisors of the revenue. *ibid.* § 16.

6. The duties on spirits distilled within the U. S. shall be paid or secured previous to the removal thereof from the distilleries at which they are respectively made. And it shall be at the option of the proprietor or proprietors of each distillery, or of his, her or their agent having the superintendence thereof, either to pay the said duties previous to such removal, with an abatement at the rate of 2 cents for every 10 gallons, or to secure the payment of the same, by giving bond quarter-yearly, with one or more sureties, to the satisfaction of the chief officer of inspection within whose survey such distillery shall be, and in such sum as the said officer shall direct, with condition for the payment of the duties upon all such of the said spirits as shall be removed from such distillery, within 5 months next ensuing the date of the bond, at the expiration of 9 months from the said date. *ibid.* § 17.

7. The supervisor of each district shall appoint proper officers to have the charge and survey of the distilleries within the same, assigning to each, one or more distilleries as he may think proper, who shall attend such distillery at all reasonable times, for the execution of the duties by this act enjoined on him. *ibid.* § 18.

8. Previous to the removal of the said spirits from any distillery, the officer within whose charge and survey the same may be, shall brand or otherwise mark each cask containing the same, in durable characters, and with progressive numbers, and with the name of the acting owner or other manager of such distillery, and of the place where the same was situate, and with the quantity therein, to be ascertained by actual gauging, and with the proof thereof. And the duties thereupon having been first paid, or secured, as above provided, the said officer shall grant a certificate for each cask of the said spirits, to accompany the same wheresoever it shall be sent, purporting that the duty thereon hath been paid or secured, as the case may be, and describing each cask by its mark; and shall enter in a book for that purpose to be kept, all the spirits distilled at such distillery, and removed from the same; and the marks of each cask, and the persons for whose use, and the places to which removed, and the time of each re-

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moval, and the amount of the duties on the spirits so removed. And if any of the said spirits shall be removed from any such distillery without having been branded or marked as aforesaid, or without such certificate as aforesaid, the same, together with the cask or casks containing, and the horses or cattle, with the carriages, their harness and tackling, and the vessel or boat with it's tackle and apparel employed in removing them, shall be forfeited, and may be seized by any officer of inspection. And the superintendant or manager of such distillery, shall also forfeit the full value of the spirits so removed, to be computed at the highest price of the like spirits in the market. *ibid.* § 19.

9. No spirits shall be removed from any such distillery at any other times than between sun-rising and sun-setting, except by consent and in presence of the officer having the charge and survey thereof, on pain of forfeiture of such spirits, or of the value thereof at the highest price in the market, to be recovered with costs of suit from the acting owner or manager of such distillery. *ibid.* § 20.

10. The evidence of the employment of stills shall be, their being erected in stone, brick or some other manner whereby they shall be in a condition to be worked. *ibid.* § 22.

11. The duties on stills shall be collected under the management of the supervisor in each district, who shall appoint and assign proper officers for the surveys of the said stills and the admeasurement thereof, and the collection of the duties thereupon; and the said duties shall be paid half-yearly, within the first 15 days of Jan. and July, upon demand of the proprietor or proprietors of each still, at his, her or their dwelling, by the proper officer charged with the survey thereof: And in case of refusal or neglect to pay, the amount of the duties so refused or neglected to be paid, may either be recovered with costs of suit in an action of debt in the name of the supervisor of the district, within which such refusal shall happen, for the use of the U. S. or may be levied by distress and sale of goods of the person or persons refusing or neglecting to pay, rendering the overplus (if any there be after payment of the said amount and the charges of distress and sale) to the said person or persons. *ibid.* § 23.

12. Every person who shall be a maker or distiller of spirits from molasses, sugar or other foreign materials, or from materials the growth and production of the U. S. shall write or paint, or cause to be written or painted upon some conspicuous part outside and in front of each house or other building or place made use of, or intended to be made use of by him or her for the distillation or keeping of spirituous liquors, and upon the door or usual entrance of each vault, cellar or apartment within the same, in which any of the said liquors shall be at any time by him or her distilled, deposited or kept, or intended so to be, the words "Distiller of Spirits," and every such distiller shall within 3 days before he or she shall begin to distil therein, make a particular entry in writing, at the nearest office of inspection, if within 10 miles

thereof, of every such house, building or place, and of each vault, cellar and apartment within the same, in which he or she shall intend to carry on the business of distilling, or to keep any spirits by him or her distilled. And if any such distiller shall omit to paint or write, or cause to be painted or written the words aforesaid, in manner aforesaid, upon any such house or other building or place, or vault, cellar or apartment thereof, or shall, in case the same be situate within the said distance of 10 miles of any office of inspection, omit to make entry thereof as aforesaid, such distiller shall for every such omission or neglect forfeit 100 dollars, and all the spirits which he or she shall keep therein, or the value thereof, to be computed at the highest price of such spirits in the market; to be recovered by action, with costs of suit, in any court proper to try the same, in the name of the supervisor of the district within which such omission or neglect or omission shall be, for the use of the U. S. *Provided*, That the said entry to be made by persons who shall be distillers of spirits, on the 1 day of July next, shall be made on that day, or within 3 days thereafter, accompanied (except where the duties hereby imposed are charged on the still) with a true and particular account or inventory of the spirits, on that day and at the time, in every or any house, building or place by him or her entered; and of the casks, cases and vessels containing the same, with their marks or numbers, and the quantities and qualities of the spirits therein contained, on pain of forfeiting for neglect to make such entry, or to deliver such account, the sum of 100 dollars, and all the spirits by him or her had or kept in any such house, building or place; to be recovered as aforesaid. *ibid.* § 25.

13. The supervisor of the revenue for the district wherein any house, building or place shall be situate, whereof entry shall be made as last aforesaid, shall as soon as may be thereafter, visit and inspect, or cause to be visited and inspected by some proper officer or officers of inspection, every such house or other building or place within his district, and shall take or cause to be taken, an exact account of the spirits therein respectively contained, and shall mark or cause to be marked in durable characters, the several casks, cases or vessels containing the same, with progressive numbers, and also with the name of each distiller to whom the same may belong, or in whose custody the same may be, and the quantities, kinds and proofs of spirits therein contained, and these words, "Old Stock." And the inspector of each survey shall keep a book, wherein he shall enter the name of every distiller, and the particulars of such old stock in the possession of each, designating the several casks, cases and vessels containing the same, and their respective quantities, kinds, proofs and marks, and shall also give a certificate to every such distiller of the quantity and particulars of such old stock in his or her possession, and a separate certificate for each cask, case or vessel describing the same, which certificate shall accompany the same wheresoever it shall be sent, and such distiller, his or her agent or manager, upon the sale and

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delivery of any of the said spirits, shall deliver to the purchaser or purchasers thereof, the certificate or certificates that ought to accompany the same, on pain of forfeiting 50 dollars for each cask, case or vessel, with which such certificate shall not be delivered. *ibid.* § 26.

14. It shall be lawful for the officers of inspection of each survey at all times in the day time, upon request, to enter into all and every the houses, store-houses, ware-houses, buildings and places which shall have been entered in manner aforesaid, and by tasting, gauging or otherwise, to take an account of the quantity, kinds and proofs of the said spirits therein contained; and also to take samples thereof, paying for the same the usual price. *ibid.* § 29.

15. If any person or persons shall rub out or deface any of the marks set upon any cask, vessel or case pursuant to the directions of this act, such person or persons shall, for every such offence, forfeit and pay the sum of 100 dollars. *ibid.* § 30.

16. No cask, barrel, keg, vessel or case, marked as "Old Stock," shall be made use of by any distiller of spirits, for putting or keeping therein any spirits other than those which were contained therein when so marked, on pain of forfeiting 100 dollars for every cask, barrel, keg, vessel or case wherein any such spirits shall be so put or kept; neither shall any such distiller have or keep any distilled spirits in any such cask, barrel, keg, vessel or case, longer than for the space of one year from the said last day of June next, on pain of forfeiting the said spirits: *Provided*, That nothing in this § contained shall be construed to extend to casks or vessels, capable of containing 200 gallons and upwards, and which are not intended to be removed. *ibid.* § 31.

17. In case any of the said spirits shall be fraudulently deposited, hid or concealed in any place whatsoever, with intent to evade the duties thereby imposed upon them, they shall be forfeited. And for the better discovery of any such spirits so fraudulently deposited, hid or concealed, it shall be lawful for any judge of any court of the U. S. or either of them, or for any justice of the peace, upon reasonable cause of suspicion, to be made out to the satisfaction of such judge or justice, by the oath or affirmation of any person or persons, by special warrant or warrants under their respective hands and seals, to authorize any of the officers of inspection, by day, in the presence of a constable or other officer of the peace, to enter into all and every such place or places in which any of the said spirits shall be suspected to be so fraudulently deposited, hid or concealed, and to seize and carry away any of the said spirits which shall be there found so fraudulently deposited, hid or concealed, as forfeited. *ibid.* § 32.

18. Every distiller of spirits, on which the duty is hereby charged by the gallon, shall keep or cause to be kept, an exact account of the said spirits, which he or she shall sell, send out or distil, distinguishing their several kinds and proofs; and shall every day make a just and true entry in a book, to be kept for that purpose, of the quantities and particulars of the said spirits by him or her

sold, sent out or distilled on the preceding day; specifying the marks of the several casks in which they shall be so sold or sent out, and the person to whom and for whose use they shall be so sold or sent out: which said books shall be prepared for the making such entries, and shall be delivered upon demand, to the said distillers, by the supervisors of the revenue of the several districts, or by such person or persons as they shall respectively for that purpose appoint, and shall be severally returned or delivered at the end of each year, or when the same shall be respectively filled up, (which shall first happen) to the proper officers of inspection; and the truth of the entries made therein shall be verified, upon the oath or affirmation of the person by whom those entries shall have been made, and as often as the said books shall be furnished upon like demand by the proper officers of inspection, to the said distillers respectively. And the said books shall from time to time while in the possession of the said distillers, lie open for the inspection of, and upon request shall be shewn to the proper officers of inspection under whose survey the said distillers shall respectively be, who may take such minutes, memorandums, or transcripts thereof, as they may think fit. And if any such distiller, shall neglect or refuse to keep such book or books, or to make such entries therein, or to shew the same upon request, to the proper officer of inspection, or not return the same according to the directions of this act, he or she shall forfeit for every such refusal or neglect, the sum of 100 dollars. *ibid.* § 35.

19. The penalties by this act, imposed on distillers for neglecting to make report to the inspectors, of their intentions of distilling spirits, or for neglecting to mark the houses, apartments or vessels to be employed, or for neglecting to enter in books the quantity of spirits distilled, shall not extend to any person who shall employ one still only, and that of a capacity not exceeding 50 gallons, including the still-head. *ibid.* § 36.

20. The several kinds of proof, shall in marking the casks, vessels and cases containing any distilled spirits, be distinguished corresponding with the order in which they are mentioned by the words "FIRST PROOF," "SECOND PROOF;" "THIRD PROOF;" "FOURTH PROOF;" "FIFTH PROOF;" "SIXTH PROOF." And it shall be the duty of the Secretary of the Treasury, to provide & furnish to the officers of inspection and of the customs, proper instruments for ascertaining the said several proofs. *ibid.* § 37.

21. In any prosecution or action which may be brought against any supervisor or other officer of inspection, for any seizure by him made, it shall be necessary for such supervisor or officer to justify himself by making it appear that there was probable cause for making the said seizure; upon which, and not otherwise, a verdict shall pass in his favor. And in any such action or prosecution, or in any action or prosecution which may be brought against such supervisor or other officer, for irregular or improper conduct in the execution of his duty, the trial shall be by jury. And in any action for a seizure, in which a verdict shall pass for such officer,

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the jury shall nevertheless assess reasonable damages for any prejudice or waste (according to the true amount in value thereof) which shall be shewn by good proof to have happened to the spirits seized, in consequence of such seizure; and also for the detention of the same, at the rate of 6 per cent per annum, on the true value of the said spirits at the time of such seizure, from that time to the time of restoration thereof; which shall be paid out of the treasury of the U. S. *Provided*, That no damages shall be assessed when the seizure was made for want of the proper certificate or certificates, or by reason of a refusal to shew any officer of inspection, upon his request, the spirits in any entered house, building or place: *And provided also*, That if it shall appear from the verdict of the jury, that any such prejudice or waste was sustained by the negligence of the officer, he shall be responsible therefor to the U. S. *ibid.* § 38.

22. If any supervisor or other officer of inspection, in any criminal prosecution against him, shall be convicted of oppression or extortion in the execution of his office, he shall be fined not exceeding 500 dollars, or imprisoned not exceeding 6 months, or both, at the discretion of the court; and shall also forfeit his office. *ibid.* § 39.

23. No fee shall be taken for any certificate to be issued or granted pursuant to this act. *ibid.* § 40.

24. If any of the said supervisors or other officers of inspection, shall neglect to perform any of the duties hereby enjoined upon them respectively, according to the true intent and meaning of this act, whereby any person or persons shall be injured or suffer damage, such person or persons shall and may have an action founded upon this act, against such supervisors or other officers, and shall recover full damages for the same, together with costs of suit. *ibid.* § 41.

25. Any action or suit to be brought against any person or persons, for any thing by him or them done in pursuance of this act, shall be commenced within 3 months next after the matter or thing done, and unless brought in a court of the U. S. shall be laid in the county in which the cause of action shall have arisen; and the defendant or defendants in any such action or suit, may plead the general issue, and on the trial thereof give this act and the special matter, in evidence; and if a verdict shall pass for the defendant or defendants, or the plaintiff or plaintiffs become nonsuited, or discontinue his, her or their action or prosecution, or judgment shall be given against such plaintiff or plaintiffs, upon demurrer or otherwise, then such defendant or defendants shall have costs awarded to him, her or them, against such plaintiff or plaintiffs. *ibid.* § 42.

26. And in order that persons who may have incurred any of the penalties of this act, without wilful negligence or intention of fraud, may be relieved from such penalties;—

It shall be lawful for the judge of the district within which such penalty or forfeiture shall have been incurred, at any time within



1 year after the last day of June next, upon petition of the party who shall have incurred the same, to enquire in a summary way into the circumstances of the case, first causing reasonable notice to be given to the person or persons claiming such penalty or forfeiture, and to the attorney of such district; to the end that each may have an opportunity of shewing cause against the mitigation or remission thereof; and shall cause the facts which shall appear upon such enquiry, to be stated and annexed to the petition, and direct their transmission to the Secretary of the Treasury of the U. S. who shall thereupon have power to mitigate or remit such penalty or forfeiture, if it shall appear to him that such penalty or forfeiture was incurred without wilful negligence, or any design or intention of fraud, and to cause any spirits which may have been seized to be restored to the proprietor or proprietors, upon such terms and conditions as shall appear to him reasonable. *ibid.* § 43.

27. The one half of all penalties and forfeitures incurred by virtue of this act, except as above provided, shall be for the benefit of the person or persons who shall make a seizure, or who shall first discover the matter or thing whereby the same shall have been incurred; and the other half to the use of the U. S. And such penalty and forfeiture shall be recoverable with costs of suit, by action of debt, in the name of the person or persons intitled thereto, or by information, in the name of the U. S. of America; and it shall be the duty of the attorney of the district wherein any such penalty or forfeiture may have been incurred, upon application to him, to institute or bring such information accordingly: *Provided always*, That no officer of inspection other than chief officer, or officers of a survey, shall be intitled to the benefit of any forfeiture unless notice of the seizure by him made, shall be by him given within 48 hours next after such seizure, to the said chief officer or officers; but in such case the U. S. shall have the entire benefit of such forfeiture. *ibid.* § 44.

28. If any person or persons shall counterfeit or forge, or cause to be counterfeited or forged any of the certificates herein before directed to be given, or shall knowingly or willingly accept or receive any false or untrue certificate with any of the said spirits, or shall fraudulently alter or erase any such certificate after the same shall be given, or knowingly or willingly publish or make use of such certificate so counterfeited, forged, false, untrue, altered or erased, every person so offending, shall, for each and every offence, forfeit and pay the sum of 500 dollars. *ibid.* § 45.

29. Any person or persons that shall be convicted of wilfully taking a false oath or affirmation, in any of the cases in which oaths or affirmations are required to be taken by virtue of this act, shall be liable to the pains and penalties to which persons are liable for wilful and corrupt perjury. *ibid.* § 46.

30. If any person or persons shall give, or offer to give any bribe, recompence or reward whatsoever, to any supervisor or other officer of inspection of the revenue, in order to corrupt, persuade or prevail upon such officer, either to do any act or acts contrary to

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his duty in the execution of this act, or to neglect or omit to do any act or thing which he ought to do in the execution of this act, or to connive at or to conceal any fraud or frauds relating to the duties hereby imposed on any of the said spirits, or not to discover the same, every such person or persons, shall for such offence, whether the same offer or proposal be accepted or not, forfeit and pay a sum not exceeding 500 dollars. *ibid.* § 47.

31. If any person or persons shall forcibly obstruct or hinder any supervisor or other officer of inspection, in the execution of this act or of any of the powers or authorities hereby vested in him, or shall forcibly rescue or cause to be rescued, any of the said spirits after the same shall have been seized by any such supervisor or other officer, or shall attempt or endeavour so to do, all and every person and persons so offending, shall, for every such offence, for which no other penalty is particularly provided by this act, forfeit and pay a sum not exceeding 200 dollars. *ibid.* § 48.

32. If any such supervisor or other officer, shall enter into any collusion with any person or persons for violating or evading any of the provisions of this act, or the duties hereby imposed, or shall fraudulently concur in the delivery of any of the said spirits, out of any house, building or place, wherein the same are deposited, without payment or security for the payment of the duties thereupon, or shall falsely or fraudulently mark any cask, case or vessel, contrary to any of the said provisions, or shall embezzle the public money or otherwise be guilty of fraud in his office, such supervisor or other officer shall for every such offence forfeit the sum of 1000 dollars, and upon conviction of any of the said offences, shall forfeit his office, and shall be disqualified for holding any other office under the U. S. *ibid.* § 49.

33. In every case in which an oath or affirmation is required by virtue of this act, it shall be lawful for the supervisors of the revenue, or any of them, or their lawful deputy, or the lawful deputy of one of them, where not more than one in a district, to administer and take such oath or affirmation. And wherever there are more than one supervisor for one district, a majority of them may execute all and any of the powers and authorities hereby vested in the supervisors of the revenue: *Provided*, That this shall not be construed to make a majority necessary in any case in which, according to the nature of the appointment or service, and the true intent of this act, the authority is or ought to be several. *ibid.* § 50.

34. If any of the said spirits (whereupon any of the duties imposed by this act shall have been paid or secured to be paid) shall after the last day of June next, be exported from the U. S. to any foreign port or place, there shall be an allowance to the exporter or exporters thereof, by way of draw-back, equal to the duties thereupon, according to the rates in each case by this act imposed, deducting therefrom half a cent per gallon, and adding to the allowance upon spirits distilled within the U. S. from molasses, which shall be so exported, 3 cents per gallon, as an equivalent

for the duty laid upon molasses by the said act making further provision for the payment of the debts of the U. S. *Provided*, That the said allowance shall not be made, unless the said exporter or exporters shall observe the regulations herein after prescribed. *ibid.* § 51.

35. In order to intitle the said exporter or exporters to the benefit of the said allowances, he, she or they, shall previous to putting or lading any of the said spirits on board of any ship or vessel for exportation, give notice (see *art.* 51) to the proper officer of inspection of the port from which the said spirits shall be intended to be exported, of his, her or their intention to export the same, and of the number of casks, vessels and cases, or either of them, containing the said spirits so intended to be exported, and of the respective marks thereof, and of the place or places where the said spirits shall be then deposited, and of the place to which, and ship or vessel in which they shall be so intended to be exported. Whereupon it shall be the duty of the said officer to inspect, by himself or deputy, the casks, vessels and cases so noticed for exportation, and the quantities, kinds and proofs of the spirits therein, together with the certificates which ought to accompany the same according to the directions of this act, which shall be produced to him for that purpose; and if he shall find that the said casks, vessels and cases have the proper marks according to the directions of this act, and that the spirits therein correspond with the said certificates, he shall thereupon brand each cask, vessel or case with the word "Exportation;" and the said spirits shall, after such inspection, be laden on board the same ship or vessel, of which notice shall have been given, and in the presence of the same officer who shall have examined the same, and whose duty it shall be to attend for that purpose. And after the said spirits shall be laden on board such ship or vessel, the certificates aforesaid shall be delivered to the said officer, who shall certify to the collector of the said district, the amount and particulars of the spirits so exported, and shall also deliver the said certificates which shall have been by him received, to the said collector, which shall be a voucher to him, for payment of the said allowance. *ibid.* § 52.

36. The said allowance shall not be made, unless the said exporter or exporters shall make oath, or affirmation, that the said spirits so noticed for exportation, and laden on board such ship or vessel, are truly intended to be exported to the place whereof notice shall have been given, and are not intended to be reloaded within the U. S. and that he or she doth verily believe that the duties thereupon charged by this act, have been duly paid, or secured to be paid; and shall also give bond to the collector, with two sureties, one of whom shall be the master, or other person having the command or charge of the ship or vessel in which the said spirits shall be intended to be exported; the other, such sufficient person as shall be approved by the said collector, in the full value in the judgment of the said collector, of the said spirits so intended to be exported, with condition that the said spirits (the dangers of



the seas and enemies excepted) shall be really and truly exported to, and landed in some port or place without the limits of the U. S. and that the said spirits, shall not be unshipped from on board of the said ship or vessel, whereupon the same shall have been laden for exportation, within the said limits, or any ports or harbors of the U. S. or relanded in any other part of the same (shipwreck or other unavoidable accidents excepted.) *ibid.* § 53.

37. The said allowance shall not be paid until 6 months after the said spirits shall have been so exported: *And*, whenever the owner of any ship or vessel, on board of which any such spirits are laden for exportation, shall make known to the collector, previous to the departure of such ship or vessel from the port where such spirits are laden, that such ship or vessel is not going to proceed the voyage intended or the voyage is altered, it shall be lawful for the collector to grant a permit for the relanding the same. *ibid.* § 54.

38. If any of the said spirits, after the same shall have been shipped for exportation, shall be unshipped for any purpose whatever, either within the limits of any part of the U. S. or within 4 leagues of the coast thereof, or shall be relanded within the U. S. from on board the ship or vessel wherein the same shall have been laden for exportation, unless the voyage shall not be proceeded on, or shall be altered as aforesaid, or unless in case of necessity or distress to save the ship and goods from perishing, which shall be immediately made known to the principal officer of the customs, residing at the port nearest to which such ship or vessel shall be at the time such necessity or distress shall arise, then not only the spirits so unshipped, together with the casks, vessels and cases containing the same, but also the ship or vessel in or on board which the same shall have been so shipped or laden, together with her guns, furniture, ammunition, tackle and apparel; and also the ship, vessel or boat into which the said spirits shall be unshipped or put, after the unshipping thereof, together with her guns, furniture, ammunition, tackle and apparel, shall be forfeited, and may be seized by any officer of the customs, or of inspection. *ibid.* § 55.

39. The said allowance shall not be made when the said spirits shall be exported in any other than a ship or vessel of the burthen of 30 tons and upwards, to be ascertained to the satisfaction of the collector of the district from which the same shall be intended to be exported. *ibid.* § 56.

40. The bonds to be given as aforesaid, shall and may be discharged by producing within 1 year from the respective dates thereof (if the same be shipped to any part of Europe or America, and within 2 years if shipped to any part of Asia or Africa, and if the delivery of the spirits in respect to which the same shall have been given, be at any place where a consul or other agent of the U. S. resides) a certificate of such consul or agent, or if there be no such consul or agent, then a certificate of any 2 known and reputable American merchants, residing at the said place; and if there be not 2 such merchants residing at the said place, then a cer-

tificate of any other 2 reputable merchants, testifying the delivery of the said spirits at the said place. Which certificate shall in each case be confirmed by the oath or affirmation of the master and mate, or other like officer of the vessel in which the said spirits shall have been exported; and when such certificate shall be from any other than a consul or agent, or merchants of the U. S. it shall be a part of the said oath or affirmation, that there were not upon diligent enquiry, to be found 2 merchants of the U. S. at the said place: *Provided*, That in the case of death, the oath or affirmation of the party dying, shall not be deemed necessary: *And Provided, further*, That the said oath or affirmation, taken before the chief civil magistrate of the place of the said delivery, and certified under his hand and seal, shall be of the same validity as if taken before a person qualified to administer oaths within the U. S. or such bonds shall and may be discharged upon proof that the spirits so exported, were taken by enemies or perished in the sea, or destroyed by fire; the examination and proof of the same being left to the judgment of the collector of the customs, naval-officer, and chief officer of inspection, or any 2 of them, of the place from which such spirits shall have been exported. And in cases where the certificates herein directed cannot be obtained, the exporter or exporters of such spirits, shall nevertheless be permitted to offer such other proof as to the delivery of the said spirits, without the limits of the U. S. as he or they may have; and if the same shall be deemed sufficient by the said collector, he shall allow the same, except when the drawback to be allowed, shall amount to 100 dollars or upwards; in all which cases the proofs aforesaid shall be referred to the comptroller of the treasury, whose decision thereon shall be final.

41. It shall be lawful for the President of the U. S. from time to time, to make such allowances to the said supervisors, inspectors, and to the deputies and officers by them to be appointed and employed for their respective services in the execution of this act, to be paid out of the product of the said duties, as he shall deem reasonable and proper: But the aggregate amount of the allowances to all the said supervisors, inspectors and other officers, shall not exceed 7 per cent of the whole product of the duties arising from the spirits distilled within the U. S. And such allowance shall not exceed the annual amount of 45,000 dollars, until the same shall be further ascertained by law. *ibid.* § 58.

42. This act shall commence and take effect as to all matters therein contained, in respect to which no special commencement is hereby provided (except as to the appointment of officers and regulation of the districts and surveys) from and immediately after the last day of June next. *ibid.* § 59.

43. The nett product of the duties herein before specified, which shall be raised, levied and collected by virtue of this act, or so much thereof as may be necessary, is hereby pledged and appropriated for the payment of the interest of the several and respective loans which had been made in foreign countries, prior to the

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4 day of August last; and also upon all and every the loan and loans which have been and shall be made, and obtained pursuant to the act, intituled, "An act making provision for the debt of the U. S." and according to the true intent and meaning of the said act, and of the several provisions and engagements therein contained and expressed, and subject to the like priorities and reservations as are made and contained in and by the said act, in respect to the monies therein appropriated, and subject to this farther reservation, that is to say: Of the nett amount or product during the present year, of the duties laid by this act, in addition to those heretofore laid upon spirits imported into the U. S. from any foreign port or place, and of the duties laid by this act on spirits distilled within the U. S. and on stills; to be disposed of towards such purposes for which appropriations shall be made during the present session. And to the end that the said monies may be inviolably applied in conformity to the appropriation hereby made, and may never be diverted to any other purpose until the final redemption, or reimbursement of the loans or sums for the payment of the interest whereof they are appropriated, an account shall be kept of the receipts and disposition thereof, separate and distinct from the product of any other duties, impost, excise, and taxes whatsoever, except those heretofore laid and appropriated to the same purposes. *ibid.* § 60.

44. The unappropriated surplus, if any there shall be, of the revenue arising under this act, at the end of this and every succeeding year, shall be applied to the reduction of the public debt, in like manner as is directed by the act, intituled, "An act making provision for the reduction of the public debt;" and provided by the act, intituled, "An act making provision for the debt of the U. S." unless the said surplus, or any part thereof, shall be required for the public exigencies of the U. S. and shall, by special acts of Congress, be appropriated thereto. *ibid.* § 61.

45. The several duties imposed by this act, shall continue to be collected and paid, until the debts and purposes for which they are pledged and appropriated, shall be fully discharged and satisfied. But nothing herein contained, shall be construed to prevent the legislature of the U. S. from substituting other duties or taxes of equal value to all or any of the said duties and imposts. *ibid.* § 62.

46. After the last day of June next, the present duties upon spirits distilled within the U. S. and on stills, shall cease, and in lieu thereof, upon all spirits which after the said day shall be distilled within the U. S. wholly or in part from molasses, sugar or other foreign materials, there shall be paid the duties following, that is to say:

For every gallon of those spirits of the first class of proof, 10 cents; for every gallon of those spirits of the second class of proof, 11 cents; for every gallon of those spirits of the third class of proof, 12 cents; for every gallon of those spirits of the fourth class of proof, 14 cents; for every gallon of those spirits of the fifth



class of proof, 18 cents ; for every gallon of those spirits of the sixth class of proof, 25 cents. And upon all spirits which after the said day shall be distilled within the U. S. from materials of the growth or produce of the U. S. in any city, town or village, at any distillery at which there shall be one or more stills which singly or together shall be of the capacity of 400 gallons or upwards, there shall be paid the duties following, that is to say ;

For every gallon of those spirits of the first class of proof, 7 cents ; for every gallon of those spirits of the second class of proof, 8 cents ; for every gallon of those spirits of the third class of proof, 9 cents ; for every gallon of those spirits of the fourth class of proof, 11 cents ; for every gallon of those spirits of the fifth class of proof 13 cents ; for every gallon of those spirits of the sixth class of proof, 18 cents. And upon stills which after the said day shall be employed in distilling spirits from materials of the growth or produce of the U. S. at any other place than a city, town or village, or at any distillery in a city, town or village at which there shall be one or more stills, which singly if only one, or together if more than one, shall be of less capacity than 400 gallons, there shall be paid the yearly duty of 54 cents for every gallon English wine measure of the capacity or content of each and every such still including the head thereof. May 8, 1792, c. 32, § 1.

47. There shall be in each county comprehended within any district, at least one office of inspection, at which every person having or keeping a still or stills within such county, shall between the last day of May, and the first day of July in each year, make entry of such still or stills ; and at which every person, who being a resident within the county shall procure a still or stills, or who removing within a county, shall bring therein a still or stills, shall within 30 days after such procuring or removal, and before he or she shall begin to use such still or stills, make entry thereof. And every entry besides describing each still and the capacity thereof, shall specify the place where, and the person in whose possession it is, and the purpose for which it is intended, as whether for sale or use in distilling ; and in the case of removal, shall specify the place from which every such still shall have been brought. *ibid.* § 2.

48. Every proprietor and possessor of a still shall be jointly and severally liable for the duty thereupon ; and every owner of land, upon which any still shall be worked, shall be liable for the duty thereupon, unless the same shall be worked by a lawful and bona fide tenant of the land of an estate, not less than for the term of one year, or unless such owner can make it appear, that the possessor of, or person by whom such still shall have been worked, was during the whole time of working the same, a trespasser or intruder on his land. *ibid.* § 3.

49. Every officer of inspection within whose survey any distillery of geneva or sweet cordials, subject to the payment of duty by the gallon of the spirits distilled thereon may be, shall forbear to visit or inspect for a space not exceeding 2 hours in each day, such part of the said distillery as he may be required by the proprietor,

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possessor or manager of such distillery to forbear to visit and inspect, for which purpose it shall be necessary for the said proprietor, possessor or manager, to give notice in writing to the said officer, describing therein particularly the part of such distillery, which it shall be his desire that the said officer may forbear to visit and inspect, and specifying the time of each day for which such forbearance shall be desired. *ibid.* § 4.

50. It shall be in the discretion of the Secretary of the Treasury, to regulate as well the marks, to be set upon the casks, vessels and packages containing distilled spirits, as the forms of the certificates which are to accompany the same, and when any cask or vessel in which distilled spirits have been contained, shall have been emptied of its contents, it shall be lawful for the marks thereupon to be effaced by, or in the presence of an officer of inspection, and if the said cask or vessel shall afterwards be used for putting therein other spirits, the same may be marked anew. *ibid.* § 5.

51. Instead of a notice of 24 hours heretofore required to be given of the intent to export distilled spirits in order to the benefit of the drawback of the duties thereupon, 6 hours shall be sufficient. *ibid.* § 6.

52. There shall be an abatement for leakage at the rate of 2 per cent. in every case in which the duty shall be payable by the gallon of the spirits distilled, to be allowed at the distillery where such spirits shall be made. *ibid.* § 7.

53. The officer of inspection within whose survey any still shall be, the duty whereupon is payable according to the capacity of the still, shall identify by progressive numbers and other proper marks, every such still within his survey, and the duty thereupon shall operate as a specific lien upon the said still. *ibid.* § 8.

54. Every distiller of, and dealer in spirits, who may have in his or her possession, distilled spirits not marked or certified, pursuant to the act, intituled, "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the U. S. and for appropriating the same," shall prior to the last day of Sep. next, report the spirits in his or her possession, in writing at some office of inspection, to the end that such spirits may be marked and certified as old stock. And from and after the said last day of Sep. next, casks and vessels of the capacity of 20 gallons and upwards, containing distilled spirits, which shall be found in the possession of any distiller or dealer in spirits, except at a distillery where the same were made, or in going from one place to another, without being marked according to law, or without having a certificate from some proper officer, shall be liable to seizure and forfeiture, and it shall be the duty of the several officers of inspection, upon request of any dealer or distiller to take measures for the marking of casks, vessels and packages containing distilled spirits, and to furnish such dealer or distiller, free from expense, with certificates to accompany the same; - *provided*, That it shall not be incumbent upon any such of-

ficer to mark or certify any cask, vessel or package which ought to have been before marked or certified according to any law of the U. S. *ibid.* § 9.

55. After the last day of June next, no distilled spirits shall be brought into the U. S. from any foreign port or place, in any cask or vessel, which shall have been marked pursuant to any law of the U. S. concerning distilled spirits, on pain of forfeiture of the spirits so brought, and of the ship or vessel in which they shall be brought. *ibid.* § 12.

56. If the owner or possessor of any still or stills shall neglect to make entry thereof, within the time and in the manner prescribed by the 2 § of this act, such owner or possessor shall forfeit 250 dollars. *ibid.* § 13.

57. The duties hereby laid shall continue in force, for the same time, and are hereby pledged and appropriated to and for the same purposes, as those, in lieu of which they are laid, and pursuant to the act, intitled, "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the U. S. and for appropriating the same." *ibid.* § 14.

58. To make good any deficiency which may happen in consequence of the reduction hereby made in the rates of the duties on spirits distilled within the U. S. and on stills, so much of the product of the duties laid by the act intitled, "An act for raising a farther sum of money for the protection of the frontiers, and for other purposes therein mentioned," as may be necessary, is hereby pledged and appropriated to the same purposes, to and for which the duties, hereby reduced, were pledged and appropriated. *ibid.* 15.

59. The President of the U. S. is authorized to make such allowances for their respective services to the supervisors, inspectors, and other officers of inspection, as he shall deem reasonable and proper, so as the said allowances, together with the incidental expenses of collecting the duties on spirits distilled within the U. S. shall not exceed 7 and an half per centum of the total product of the duties on distilled spirits, for the period to which the said allowances shall relate, computing from the time the act intitled "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the U. S. and for appropriating the same," took effect: but such allowance shall not exceed the annual amount of 70,000 dollars, until the same shall be further ascertained by law. *ibid.* § 16.

60. The act of March 3d 1791, c. 15, (see art. 1) shall extend to and be in full force for the collection of the several duties herein before mentioned, and for the recovery and distribution of the penalties and forfeitures herein contained, and generally for the execution of this act, as fully as if every regulation therein contained were inserted in and re-enacted by this present act, subject only to the alterations hereby made. *ibid.* § 17.

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61. In order to facilitate and secure the collection of the revenue on distilled spirits, and stills, in such states as have been, or hereafter may be erected, and in the territories north-west and south of the river Ohio, the President of the U. S. is hereby authorized and empowered to form and erect such new districts and surveys, and to make such alterations in, and additions to the several districts, and in and to the several surveys thereof, as, from time to time, shall appear, in his judgment, expedient and necessary; and it shall also be lawful for the President, by and with the advice and consent of the Senate, to appoint such and so many supervisors, inspectors of surveys, and inspectors of ports, therein and therefor, as may be found necessary, and to assign to them compensations proportionate to those heretofore, or which may hereafter be allowed, to the officers of the revenue. June 5, 1794, c. 49, § 1.

62. All spirits which shall be distilled in the U. S. in stills which shall not have been previously entered at some office of inspection, shall be liable, together with the stills or other vessels used in the distillation thereof, to seizure and forfeiture. *ibid.* § 2.

63. No drawback of the duty on distilled spirits, which shall be exported after the first day of July next, shall be allowed upon any quantity less than 150 gallons. *ibid.* § 3.

64. It shall be lawful to import into the U. S. in the same ship or vessel in which they were exported, any spirits distilled therein, which shall have been previously exported therefrom, on payment of the duties on spirits of equal proof, distilled in the U. S. and of a sum equivalent to the duties established by law upon the raw materials, from whence they shall have been distilled; and all such importations shall be made, under the same regulations, and in such manner, as is directed by law, in regard to the importation of foreign distilled spirits. *ibid.* § 4.

65. All stills without heads, or other vessels that shall be used as stills in the distillation of ardent spirits, shall be duly entered by the owner or owners thereof, in the manner prescribed in and by the 2 § of the act, intitled, "An act concerning the duties on spirits distilled within the U. S." (see art. 47) passed on the 8 day of May, 1792, under the penalty of 250 dollars, to be recovered and distributed as other forfeitures under this act, and the act, intitled, "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the U. S. and for appropriating the same," to which this is an amendment. *ibid.* § 6.

66. Any person or persons, who shall counterfeit the certificates for, or the marks or numbers to be set upon any cask, vessel or package containing wines, teas, or foreign or domestic distilled spirits, or upon stills, which the officers of inspection are, or shall be authorized to make thereon, by and in pursuance of the laws concerning the same, (see *duties collection of. art. 44*) shall, for every such offence, forfeit and pay 100 dollars. *ibid.* § 7.

67. Every owner, or worker of a licensed still, shall be required

to make oath or affirmation, previous to any renewal of his license, that he hath not distilled therein, since the commencement of the term specified in such license, excepting only, during the term, for which it shall have been granted. *ibid.* § 8.

68. It shall and may be lawful for the judicial courts of the several States, and of the territory of the U. S. northwest of the river Ohio, and of the territory of the U. S. south of the river Ohio, to take cognizance of all and every suit and suits, action and actions, cause and causes, arising under or out of the laws for collecting a revenue upon spirits distilled in the U. S. and upon stills, which may arise or accrue at a greater distance, than fifty miles from the nearest place established by law for holding a district court. *ibid.* § 9.

69. In case of the non-existence of an office of inspection in any county of the U. S. every owner or possessor of a still shall make entry thereof in the manner required by the "Act (of the 8 of May, 1792) concerning the duties on spirits distilled within the U. S." at some other office of inspection, comprehended in the division or survey, in which the said still shall be; and it shall be lawful for the President of the U. S. to provide offices of inspection in special cases, provided the expense thereof shall not exceed 10,000 dollars. *ibid.* § 10.

70. Every rectifier of low wines or other distilled spirits, and every distiller of cordials and strong waters therefrom, shall enter at some office of inspection, all or any such low wines or other distilled spirits, prior to the removal of them to his distillery or rectifying house, and prior to his beginning the rectifying, improving, or altering the quality, flavor or proof thereof, under the penalty of 100 dollars for every cask of 100 gallons, and in the same proportions, for every greater or less quantity. *ibid.*

§ 11.

71. It shall be lawful for the supervisors and inspectors of the revenue, at their own expense, to appoint deputies to aid them in the execution of their duties, in cases of occasional and necessary absence, or of sickness, and not otherwise. *ibid.* § 12.

72. The President of the U. S. is authorized to make such additional allowances, for the space of 1 year, and from thence until the end of the next session of Congress, to the inspectors and collectors of revenue from distilled spirits, for their respective services subsequent to the 30 June next, as he shall deem reasonable and proper, so as that the additions to be made to the said allowances shall not exceed, in the whole, the sums heretofore allowed, by more than one-third. *ibid.* § 13. *This § is cont. by May 1796, c. 42, for 1 year &c. And by April 7, 1798, c. 42, until the end of the first session of the sixth Congress.*

73. From and after the first day of Oct. next, no supervisor or inspector of the revenue of the U. S. shall be concerned or interested in any foreign trade or commerce, in the goods, or merchandize, to which the duties of his office relate, or in the sale of any wines, distilled spirits, or teas, and if any such supervisor or in-

Inspector shall be so concerned, or interested, every such person shall be disqualified from holding such appointment, for the term of 7 years, and shall, moreover, forfeit and pay a sum not exceeding 100 dollars, for every month, which he or they shall be so interested in such foreign trade, or in the sale of such wines, distilled spirits or teas. *ibid.* § 14, (see *duties collection of. art. 86.*)

74. Any proprietor of a still, the capacity of which does not exceed 100 gallons, may be permitted to enter such still, for any term of time less than 1 year, and not less than 1 month, paying at the same rate as per month. *ibid.* § 15.

75. A personal demand of the proprietor or proprietors of any still, of the duties due, or a notice in writing of the amount thereof, left at his dwelling by the collector, shall have all the effect of a demand made, as required by the 23 § of the act, intituled, "An act repealing after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead; and also upon spirits distilled within the U. S. and for appropriating the same." *ibid.* § 16.

76. All fines, penalties and forfeitures, which shall have been incurred by force of any present or future law of the U. S. for the laying, levying and collecting of any duties or taxes, other than duties on goods, wares and merchandize imported, and on the tonnage of ships and vessels, shall and may be mitigated or remitted, by the like ways and means, and upon and under the like conditions, regulations and restrictions, as are contained, prescribed, authorized and directed, in and by the act, intituled, "An act to provide for mitigating or remitting the forfeitures and penalties accruing under the revenue laws in certain cases, therein mentioned," (see *fines and forfeitures mitigation of*) touching fines, penalties, and forfeitures incurred or accruing in relation to the cases therein mentioned; which act and every clause, matter and thing therein contained, shall be of like force and effect, for the mitigating or remitting of fines, penalties and forfeitures, which shall have been incurred in reference to the said other duties and taxes, as if the same were repeated and re-enacted in the several and respective laws for laying, levying and collecting the said other duties and taxes. *ibid.* § 17.

77. The judicial courts of the several states, to whom, by this act, a jurisdiction is given, shall and may exercise all and every power, in the cases cognizable before them, for the purpose of obtaining a mitigation or remission of any fine, penalty or forfeiture, which may be exercised by the judges of the district courts, in cases depending before them: The said state-courts first causing reasonable notice to be given to the person or persons claiming such fine, penalty or forfeiture, and to the attorney, who may, under warrant from the attorney of the district, prosecute, for the U. S. in such court, that each may have an opportunity of shewing cause against the mitigation or remission thereof. *ibid.* § 18.

78. The act, intituled, "An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits import-



ed from abroad, and laying others in their stead, and also upon spirits distilled within the U. S. and for appropriating the same ;" and the act, intituled, "An act concerning the duties on spirits distilled in the U. S." shall extend to, and be in full force, for the recovery and distribution of the penalties and forfeitures herein contained, and, generally, for the execution of this act, as fully and effectually, as if every regulation, restriction, penalty, provision, clause, matter and thing, therein contained, were inserted in, and re-enacted, by this present act, subject only to the alterations hereby made. *ibid.* § 19.

79. From and after the first day of July next, no drawback shall be allowed on any of the spirits distilled in the U. S. which shall not be exported, pursuant to regulations heretofore enacted, and in force, within 12 months from the time when such spirits were distilled, to be ascertained by the dates of the certificates which may and ought to accompany the said spirits, at the time of exportation. June 1, 1796, c. 49, § 1.

80. In respect to stills employed in distilling spirits from materials of the growth and produce of the U. S. at any other place than a city, town or village, or at any distillery in a city, town, or village, at which there are one or more stills, which singly, if only one, or together, if more than one, are of less capacity than 400 gallons, the option and alternative of paying a duty of 7 cents for every gallon of spirits distilled in such stills, as secured and allowed by the 1 § of the act, intituled, "An act concerning the duties on spirits distilled within the U. S. passed on the 8 day of May, 1792. is hereby, declared to be abolished, from the 30 June, ensuing. March 3, 1797, c. 65, § 1.

81. In lieu of the option and alternative aforesaid, the proprietor, or possessor of any such still or stills, as are above mentioned, shall, and may, after the 1 day of July, ensuing, be charged with, and shall pay the following duties, to wit : For a license for the employment of each and every such still, for and during the term of 2 weeks, 6 cents per gallon, according to the capacity or content of every such still, including the head thereof : For a license, for and during the term of 1 month, 10 cents per gallon, as aforesaid : For a license, for and during the term of 2 months, 18 cents per gallon, as aforesaid : For a license, for and during the term of 3 months, 24 cents per gallon, as aforesaid : For a license, for and during the term of 4 months, 30 cents per gallon, as aforesaid : For a license, for and during the term of 5 months, 36 cents per gallon, as aforesaid : And for a license, for and during the term of 6 months, 42 cents per gallon, as aforesaid. *ibid.* § 2.

82. Upon the sale or transfer of any still licensed, according to this act, the right and privilege of using such still, during the time for which such license may remain in force, shall accrue to the new proprietor, or possessor, due entry of the sale or transfer being previously made, with the proper officer of inspection. *ibid.* § 3.

83. Every distiller, as aforesaid, who shall commence any distillation, prior to obtaining a license therefor, shall pay a duty equal

to that demandable, in consequence of a license for 6 months; and no new license shall be granted for any still, until all duties, which have accrued thereon, shall have been paid and discharged, *ibid.*

§ 4.

84. The several provisions and clauses of the acts heretofore passed, and remaining in force; for laying, securing, and collecting duties on spirits distilled within the U. S. and on stills; for regulating the exportation of such spirits, and for making an allowance to the exporters of the same, by way of drawback, shall extend to, and remain in full force, with respect to the several provisions and clauses of this act, subject only to the alterations hereby made. *ibid.* § 5.

85. From and after the passing of this act, it shall be lawful for all owners of stills within the U. S. which shall have been duly entered according to law, to make their election, at any time of the year, both as to the rate of duty which they may choose to pay for the employment of their said stills, whether for a year, or for such other shorter period, as may be allowed by law; and also as to the time of commencing such employment. Jan. 1798, c. 27.

86. The proprietor or possessor of any distillery situated in any place other than a city, town or village, and employed solely in the distillation of gineva, where such proprietor or possessor shall employ in such distillery, any one still whose capacity shall exceed 800 gallons, from materials the growth or produce of the U. S. may at his or her option be charged with and pay duty on the quantity of spirits thereat distilled, at the same rates, according to the proof thereof, as are now chargeable on such spirits distilled in cities, towns and villages, subject to the same regulations, provisions, penalties and forfeitures as are established for securing and collecting the duties on other domestic distilled spirits. March, 2, 1799, c. 132.



## On Stamps,

**T**HERE shall be levied, collected and paid throughout the U. S. the several stamp duties following, to wit: For every skin or piece of vellum, or parchment, or sheet or piece of paper upon which shall be written or printed any or either of the instruments or writings following, to wit: any certificate of naturalization, 5 dollars; any license to practice or certificate of the admission, enrolment or registry of any counsellor, solicitor, attorney, advocate or proctor in any courts of the U. S. the sum of 10 dollars; any grant or letters patent under the seal or authority of the U. S. except for lands granted for military services, 4 dollars; any exemplification or certified copy of any such grant or letters patent, 2 dollars; any charter party, bottomry, or respondentia bond,

1 dollar; any receipt or other discharge for or on account of any legacy left by any will or other testamentary instrument, or for any share or part of a personal estate divided by force of any statute of distributions, the amount whereof shall be above the value of 50 dollars, and shall not exceed the value of 100 dollars, 25 cents; where the amount thereof shall exceed the value of 100 dollars, and shall not exceed 500 dollars, 50 cents; and for every further sum of 500 dollars, the additional sum of 1 dollar; any policy of insurance or instrument in nature thereof, whereby any ships, vessels, or goods, going from one district to another in the U. S. or from the U. S. to any foreign port or place, shall be insured, to wit: If going from one district to another in the U. S. 25 cents; if going from the U. S. to any foreign port or place, when the sum for which insurance is made shall not exceed 500 dollars, 25 cents; and when the sum insured shall exceed 500 dollars, 1 dollar; any exemplification of what nature soever, that shall pass the seal of any court, other than such as it may be the duty of the clerk of such court to furnish for the use of the U. S. or some particular state, 50 cents; any bonds, bills, single or penal, inland bill of exchange, promissory note, or other note for the security of money, according to the following scale, viz. on all bonds, bills single or penal, inland bills of exchange, promissory note or other note above 20 dollars, and not exceeding 100 dollars, 10 cents; above 100 dollars and not exceeding 500 dollars, 25 cents; above 500 and not exceeding 1000 dollars, 50 cents; above 1000 dollars, 75 cents: *Provided*, that if any bonds or notes shall be payable at or within 60 days, such bonds or notes shall be subject to only two fifth parts of the duty aforesaid and provided, that notes issued by any of the banks now established, or which hereafter may be established within the U. S. shall be subject to a duty according to the following scale. viz. On all notes not exceeding 50 dollars, at the rate of three-fifths of a cent for every dollar; above 50 dollars and not exceeding 100 dollars, 50 cents; above 100 dollars, and not exceeding 500 dollars, 1 dollar; above 500 dollars, 2 dollars; any protest or other notarial act, 25 cents; any letter of attorney, except for invalid pensions, or to obtain or sell warrants for lands granted by the U. S. as bounty for military services performed in the late war, 25 cents; any inventory or any catalogue of furniture, goods or effects, made in any case required by law (except in cases of goods and chattles distrained for rent or taxes, and goods taken in virtue of any legal process by any officer) 50 cents; any certificate of a share in the bank of the U. S. or of any state or other bank, above 20 dollars, and not exceeding 100 dollars, 10 cents; above 100 dollars 25 cents; and for any certificate for every such share under 20 dollars, at the rate of 10 cents for 100 dollars; and the same for any less sum of the amount of the shares expressed in such certificate; provided, that nothing in this act contained, shall extend to charge with a duty, any legacy left by any will or other testamentary instrument or any share or part of a personal

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estate, to be divided by force of any statute of distributions which shall be left to, or divided amongst the wife, children, or grand children of the person deceased intestate, or making such will or testamentary instrument, or any recognizance, bill, bond, or other obligation or contract, which shall be made to or with the U. S. or any state, or for their use respectively. July 6, 1797, c. 11. § 1. *cont. for 5 years, and to the end of the next session.*

2. In respect to any stamp, on any of the notes of the banks, now established or which hereafter may be established within the U. S. it shall be lawful for the secretary of the treasury, to agree to an annual composition for the amount of such stamp duty, with any of the said banks, for one per centum on the amount of the annual dividend made by such banks, to their stockholders respectively. *ibid.* § 2.

3. All deeds and writings whatsoever, for the payment of any sum of money, upon the contingency of the loss of any ship, or goods, laden or to be laden on board of any ship, or of damage thereto, shall be construed and adjudged to be policies of insurance, within this act chargeable with the several rates of duty herein-before mentioned. *ibid.* § 3.

4. When any vessel, or any goods or merchandize, laden or to be laden on board of any vessel, shall be insured, a policy duly stamped shall be issued, or made out, within the space of 3 days, at furthest; and the insurer or insurers neglecting to make out such policy or policies, within the time aforesaid, shall forfeit the sum of 20 dollars, for every such neglect or offence; and all promissory notes, or other security made for assurance or insurances of ships, goods, or merchandizes at sea, or going to sea, in lieu of a policy, are hereby declared void. *ibid.* § 4.

5. Every deed, instrument, note, memorandum, letters or other writing between the captain or master, or owner of any ship or vessel, and any merchant, trader, or other person, in respect to the hire or freight of such ship or vessel, for conveyance of any money, goods, wares, merchandize or effects, laden or to be laden on board of such ship or vessel, shall be deemed and adjudged to be a charter party. *ibid.* § 5.

6. Every receipt for every sum of money, paid in whole or in part, of any legacy or share of personal estate, distributed as aforesaid, in the cases in which a duty is hereby charged, shall express therein the true sum which shall have been so paid; in default of which, as well the person or persons by whom the same shall have been paid, as the person or persons by whom the same shall have been received, shall severally forfeit and pay the sum of 20 dollars: And every receipt in full, shall be deemed, for the purpose of charging the duties hereby laid, to be for the entire sum of such legacy or share of personal estate, unless it shall be made to appear that all such part thereof, as may not be expressed in such receipt in full, was, previous thereto, paid, and upon a receipt or receipts, duly marked or stamped, according to the directions of this act. *ibid.* § 6.

7. Every counsellor, solicitor, attorney, proctor, or advocate,

who hath been, or shall be admitted, enrolled or registered, in any court of the U. S. before he shall prosecute, carry on, or defend any action, suit or proceeding in any court of the U. S. shall take out a certificate of such admission, enrolment or registry, from the clerk or prothonotary of the court granting such admission; which certificate shall be written on a piece of vellum, parchment, or paper stamped according to the directions of this act, and such clerk or prothonotary shall make entry of such admission, enrolment or registry, in a book to be by him kept for that purpose, to which any person may at reasonable times have access without fee or reward: For which certificate and entry there shall be paid to such clerk or prothonotary, by the supervisor of the revenue for the district wherein such court shall be held, the sum of 25 cents. *ibid.* § 7.

8. The receiving a certificate as aforesaid in any one of the courts of the U. S. for any one of the said offices, shall be a sufficient admission in all the courts of the same, for that or any other of the said offices, so far as relates to the payment of the duties imposed by this act. *ibid.* § 8.

9. The several duties aforesaid, shall be levied, collected, received, and accounted for, by and under the immediate direction & management of the supervisors and inspectors of the revenue, and other officers of inspection, subject to the superintendence, control and direction of the treasury department, according to the respective authorities and duties of the officers thereof. *ibid.* § 9.

10. It shall be the duty of the secretary of the treasury, to cause to be provided, so many marks and stamps, differing from each other, as shall correspond with the several rates of duty aforesaid; that is to say, one mark or stamp for each distinct rate of duty; with which marks and stamps respectively shall be marked or stamped all vellum, parchment or paper, upon which shall be written, or printed, all or any of the several instruments, writings, matters and things herein-before enumerated and charged, according to the nature and description of each of the said instruments, writings, matters and things as are herein-before specified and described: Which said several marks, and stamps shall be notified by a public notification, or advertisement, to be issued by the secretary of the treasury, and inserted in at least one news-paper printed in each state, and in the territory north-west of the Ohio, and for not less than 3 months before the 31 day of Dec. next, to the end that all persons may have due notice thereof; and which said marks and stamps, or any of them, shall or may be altered or renewed from time to time, as the said secretary of the treasury shall think fit, so as like public notification thereof be made, for a term not less than 3 months, before such new stamps or marks shall begin to be used. *ibid.* § 10.

11. The supervisors of the revenue are hereby empowered and required, forthwith upon demand to them or any of them, made by any person or persons, to stamp or mark any quantities or parcels of vellum, parchment, or paper (he, or they paying to

the supervisors of the revenue, respectively, the respective duties hereby directed to be paid for the same) to stamp and mark the same accordingly, without any other fee or reward ; which stamp or mark shall be a sufficient discharge for the several and respective duties hereby granted upon the said vellum, parchment or paper, which shall be so stamped or marked. *ibid.* § 11.

12. If any supervisor of the revenue shall fix any such mark or stamp to any vellum, parchment or paper, upon such request or demand as aforesaid, before the several and respective duties thereupon charged by this act, shall be duly answered and paid, or secured to be paid, he shall for every such offence, forfeit his office, together with the sum of 500 dollars. *ibid.* § 12.

13. If any person or persons, shall write or print, or cause to be written or printed upon any unstamped vellum, parchment, or paper (with intent fraudulently to evade the duties imposed by this act) any of the matters or things for which the said vellum, parchment or paper is hereby charged to pay any duty, or shall write or print, or cause to be written or printed any matter or thing, upon any vellum, parchment, or paper, that shall be marked or stamped for any lower duty than the duty by this act payable, such persons so offending, shall, for every such offence, forfeit the sum of 100 dollars ; and in case any clerk, officer, or person, who, in respect of any public office or employment, is or shall be authorized or instructed to make, write, or print any deeds, instruments, or writings, by this act charged to pay a duty, as aforesaid, shall be guilty of any fraud or practice to defraud or deprive the U. S. of any duty by this act payable, by making, writing, or printing any such deed, instrument, or writing, or causing the same to be made, written, or printed upon vellum, parchment, or paper, not marked or stamped according to this act (or upon vellum, parchment, or paper, marked, or stamped with any mark or stamp which he shall know to be counterfeited) or by writing or printing any such deed, instrument or other writing upon vellum, parchment, or paper, that shall be marked, or stamped for a lower duty as aforesaid, every such clerk, officer, or person so guilty, and being thereof lawfully convicted, shall instead of the penalty aforesaid, forfeit and pay the sum of 500 dollars ; and if an officer of the U. S. shall, in addition thereto, forfeit his office and be disabled to hold or enjoy the same for the future ; and if any deed, instrument, or writing whatsoever, by this act charged with the payment of a duty, as aforesaid, shall contrary to the true intent and meaning thereof, be written or printed, by any person or persons whomsoever, upon, vellum, parchment, or paper, not marked or stamped, according to this act, or upon vellum, parchment, or paper, marked, or stamped, for a lower duty than ought to be paid upon the same, then, and in every such case, there shall be paid to the U. S. for their use, over and above the duty herein-before charged thereupon, for stamping every such deed, instrument, or writing, the sum of 10 dollars ; and no such deed, instrument, or writing, shall be pleaded or given in evidence in any court, or



admitted in any court to be available in law or equity, until it shall be stamped as aforesaid. And the supervisors respectively are hereby enjoined and required, upon payment or tender of the said duty and sum of 10 dollars unto any of them, to mark or stamp the said vellum, parchment, or paper, with the mark or stamp that shall be proper for such deed, instrument, or writing, respectively; and if any person or persons whatsoever, shall counterfeit, or forge any stamp, or mark, to resemble any stamp, or mark which shall be provided, or made in pursuance of this act, or shall counterfeit or resemble the impression of the same upon any vellum, parchment, or paper, thereby to defraud the U. S. of any of the duties hereby granted, or shall utter, vend or sell any vellum, parchment or paper, with such counterfeit mark or impression thereupon, knowing such mark or impression to be counterfeit: or shall privately or fraudulently use any stamp or mark, directed or allowed to be used by this act, in relation to the duties hereby laid, with intent to defraud the U. S. of any of the said duties, then every such person so offending, being thereof convicted in due form of law, shall be judged guilty of a misdemeanor, and be subject to be fined in any sum not exceeding 1000 dollars, and to be imprisoned for any term not exceeding 7 years. *ibid.* § 13.

14. No bank now established, or which shall be hereafter established, which shall not have compounded for the duty hereby required, shall issue any bank bill or promissory note, unless upon paper duly stamped, and whereon the respective duties shall have been paid; and if the officer of any such bank, or any person or persons employed therein, shall thereafter issue any bill or note, not duly stamped as aforesaid, he or they shall forfeit, and pay a fine equal to the value of the bill or note so issued. *ibid.* § 14.

15 Every person who shall be employed for the marking, or stamping of vellum, parchment, or paper, as aforesaid, before his acting in the marking, or stamping of the said vellum, parchment, or paper, shall take the following oath or affirmation:

"I [insert here the name of the person] do solemnly swear [or affirm, as the case may be] that I will, according to the best of my knowledge and skill, faithfully, honestly and carefully execute the trust reposed in me, and will truly mark, or stamp all vellum, parchment, or paper which I shall be required, or directed to mark, or stamp, and will render a true and exact account thereof, to the proper officer, or officers, and will faithfully account for all monies which I shall receive therefor. *ibid.* § 15.

16. The said supervisors of the revenue, officers and other persons to be employed by them, shall, from time to time, for the better execution of their several duties and trusts, observe and execute such directions as they, respectively, shall, from time to time, receive from the department of treasury; which department shall take care that the several parts of the U. S. shall, from time to time, be sufficiently furnished with vellum, parchment, and paper, stamped, or marked as aforesaid, so that the citizens thereof may have it in their election to buy the same of the offi-

ers or persons to be employed in and about the execution of this act, at the usual, or most common rates above the said duty, or to bring their own vellum, parchment, or paper, to be marked, or stamped as aforesaid. *ibid.* § 16.

17. As often as any alteration or renewal shall be made of, or in the marks or stamps before in use, or any of them, it shall be lawful for all persons who shall at that time have in their custody or possession, any vellum, parchment, or paper, marked with any mark or stamp, which shall be so altered or renewed, and upon which any of the matters or things hereby charged, shall not have been written, or printed, at any time within the space of 60 days, after the intention of renewing or altering shall be notified as aforesaid, to bring or send such vellum, parchment or paper, unto some office of inspection; and the officer of inspection, to whom they shall be brought or sent, is hereby required to deliver, or cause to be delivered, unto the several persons who shall so bring and deliver any quantity of vellum, parchment or paper, the like quantity of vellum, parchment or paper, and as good in quality, stamped with such new stamp or mark, without demanding or taking directly or indirectly, for the same, any money or other consideration whatsoever. And in case any person shall neglect or refuse, within the time aforesaid, to bring or cause to be brought and delivered unto some officer of inspection, any such vellum, parchment or paper, the same is hereby declared to be of no other effect, or use, than if it had never been marked or stamped; and all matters and things which shall, after that time be written or printed thereon, shall be of no other effect, than if they had been written or printed on vellum, parchment or paper not marked or stamped: And all persons who shall write or print any of the matters or things hereby charged, on such vellum, parchment or paper, after the said time, shall forfeit and suffer as herein before is enacted for persons writing or printing on vellum, parchment or paper, not marked or stamped. *ibid.* § 17.

18. All and every the officer and officers who shall be concerned in the levying, collecting and receiving the duties arising by this act, shall keep a separate and distinct account thereof, and shall pay or remit the same, as speedily as may be, after it shall be received, according to the orders of the department of the treasury *ibid.* § 18.

19. It shall be lawful for the President of the U.S. to cause such sum and sums of money to be expended and paid, from time to time, for salaries, compensations, and other incidental charges as shall be necessary in and for the receiving, collecting, levying or managing of the said duties, so as that the whole amount thereof, shall not exceed 5 per centum of the gross total product of the said duties. *ibid.* § 19.

20. All fines, penalties, and forfeitures, which shall be incurred by virtue of this act, shall be sued for and recovered in the name of the U. S. or of the supervisor of the revenue, within whose district, any such fine, penalty, or forfeiture shall have been incur-

red, by bill, or information, in any circuit, or district court of the U. S. or in any court of either of the said states; one half thereof to the use of the person who, if an officer of inspection, shall first discover: if other than an officer of inspection, shall first inform of the cause whereby any such fine &c shall have been incurred (except in the cases in which a different disposition thereof may have been herein before made) and the other half to the use of the U. S. *ibid.* § 20.

21. So much of the act, intituled, "An act laying duties on stamped vellum, parchment and paper," as directs that the duties imposed by that act shall be levied, collected and paid "from and after the 31 day of Dec. next," is repealed; and the duties aforesaid shall be levied, collected and paid, from and after the 30 day of June next, and not sooner; to which last-mentioned day, all notices, certificates and other matters or things, directed by the said act, and having respect to the commencement or collection of the said duties, or any of them, shall relate. Dec. 15, 1797, c. 18.

22. Whenever any person, other than officers employed in collecting the revenue of the U. S. shall apply to any supervisor or inspector of the said revenue, at the office of such supervisor or inspector, for the purchase, at one time, of any quantity of vellum, parchment, or paper, stamped and marked in the manner directed by the act, intituled, "An act laying duties on stamped vellum, parchment and paper," the whole amount of the duties on which quantity shall be 10 dollars, or upwards, such supervisor or inspector is authorised and required to deliver to such person, such quantity of vellum, parchment or paper, stamped as aforesaid; the said person paying down the amount of the said duties, after deducting therefrom 7 and one half per centum on such amount; which deduction the said supervisor or inspector is hereby authorised and required to allow. March 19, 1798, c. 37, § 1.

23. Whenever any stamped vellum, or parchment, shall be applied for, and delivered, in the manner aforesaid, the said purchaser, in order to become entitled to the aforesaid deduction, shall pay to the said supervisor, or inspector, in addition to the amount of the said duties, a reasonable rate for and on account of the price of the said vellum, or parchment, which rate the Secretary of the Treasury is hereby authorised and required to fix, as nearly as may be, according to the actual cost of those articles. *ibid.* § 2.

24. Whenever any person, other than officers employed in the collection of the revenue of the U. S. shall bring any vellum, parchment, or paper, to be stamped, in the manner directed by the aforesaid act, in any quantity at one time. the whole amount of the duties for stamping, which shall be 10 dollars, or upwards, the officer stamping such vellum, parchment, or paper, pursuant to the directions of the said act, is authorised and required to make to such person the same allowance and deduction on the amount of the said duties, as is directed by the 1 § of this act, to be made in the cases therein mentioned. *ibid.* § 3.

25. The stamped paper required by the aforesaid act to be fur-



nished to the citizens of the U. S. by the Treasury department, shall be furnished at the rate of duty provided by that act, without any additional charge on account of the price of paper, or any other expense, and all paper for the purposes aforesaid, shall be furnished at the expense of the U. S. by the Secretary of the Treasury department, who is hereby authorized to employ annually a sufficient sum for that purpose, and for the necessary purchase of vellum and parchment, out of any monies in the treasury of the U. S. not otherwise appropriated: But nothing herein contained, shall be so construed, as to require the Treasury department to furnish any stamped vellum, or parchment, without an additional charge for the price of those materials, over and above the duty on the stamp; which price, in all cases where stamped vellum, or parchment, shall be furnished, the Secretary of the department is hereby authorized and required to fix, as nearly as may be, according to the actual cost of those articles, respectively. *ibid.* § 4.

26. So much of the aforesaid act as relates to stamp duties on "any certificate or debenture for drawback of customs or duties," is hereby repealed; and in lieu of the said stamp duties, one fourth per centum on the amount of all drawbacks, allowed by law, on the exportation of goods, wares, and merchandize imported, shall be retained for the use of the U. S. by the collectors paying such drawbacks; and in addition to the sum of 1 per centum directed to be so retained by the act, intituled "An act to provide more effectually for the collection of the duties imposed by law on goods, wares, and merchandizes imported into the U. S. and on the tonnage of ships or vessels." *ibid.* § 5.

27. After the 31 day of March next, the duties imposed by an act, intituled "An act laying duties on stamped vellum, parchment and paper," upon foreign bills of exchange and bills of lading, shall cease and determine; and from and after the said 31 day of March next, there shall be levied and paid throughout the U. S. the several stamp duties following, to wit:—On every skin or piece of vellum or parchment, or sheet or piece of paper, on which shall be written or printed any or either of the instruments following, to wit;—Any foreign bill of exchange, draft or order for the payment of money in any foreign country, 20 cents; any note or bill of lading, or writing or receipt in the nature thereof, for any goods or merchandize to be exported, if from one district to another district of the U. S. not being in the same state, 4 cents; if to be exported to any foreign port or place, 10 cents; any policy of assurance, or instrument in nature thereof, other than those specified in the above recited act, when the sum, for which insurance is made, shall not exceed 500 dollars, 25 cents; and when the sum insured shall exceed 500 dollars, 1 dollar. And the said duties shall be chargeable upon each and every bill of exchange and bill of lading, without respect to the number contained in a set. *Feb. 28, 1799, c. 123, § 1.*

28. From and after the said 31 day of March, it shall not be

lawful for any supervisor, or other person employed for the stamping of vellum, parchment or paper, to stamp any foreign bill of exchange, draft or order, for the payment of money in any foreign country, after the same shall be written or drawn. And if any person or persons from or after the said 31 day of March, shall presume to write or draw, or cause to be written or drawn, any such foreign bill, draft or order, or any duplicate or triplicate thereof, before the vellum, parchment or paper on which the same shall be drawn, shall be duly stamped, or shall sell, loan, endorse or remit any such foreign bill, draft or order, unless every duplicate, triplicate, and other bill of the same tenor and date, which shall be drawn, or intended to be drawn, shall be first duly stamped; then and in every such case, the person or persons so offending, shall, for each offence, forfeit and pay a sum not exceeding 100 dollars, according to the nature and aggravation of the offence. *ibid.* § 2.

29. If any person or persons, at any time after the said 31 March next, shall knowingly and fraudulently write or engross, or cause to be written or engrossed, the whole or any part of any bond, bill, instrument, or other writing whatsoever, in respect whereof any duty is payable by the acts of Congress, or any of them, on the whole or any part of any piece of vellum, parchment or paper whereon there shall have been before written any other bond, bill, instrument, or other writing, in respect whereof any duty was payable by the said acts, or either of them, before such vellum, parchment or paper shall have been again marked or stamped, according to the said acts; or shall fraudulently erase or scrape out, or cause to be erased or scraped out, the name or names of any person or persons, or any sum, date or other thing written in such bond, bill, instrument or writing, or fraudulently cut, tear or get off, any mark or stamp, from any piece of vellum, parchment or paper, or part thereof, with intent to use such stamp or mark for any writing or thing in respect whereof any duty shall be payable by virtue of the said acts, or either of them, then, so often, and in every such case, every person, so offending shall, for every such offence, forfeit the sum of 200 dollars, and costs of suit. *ibid.* § 3.

30. If any writings, matters and things, in respect whereof any of the said duties shall be payable, and which shall be engrossed or written, after the said 31 March next, shall be written at a distance from the stamps or marks which shall, in pursuance of the said acts, or any of them, be placed on the vellum, parchment or paper, whereupon the same shall be written or engrossed, with intent fraudulently to evade the duties imposed by the said acts, or any of them, the person who shall write or engross, or cause to be written or engrossed any such writing, matter or thing, contrary to the tenor and true meaning hereof, shall, for every such offence, forfeit the sum of 100 dollars, and full costs of suit. *ibid.* § 4.

31. The duties imposed by this act, shall be levied and collected in the same manner, and by the same persons, and under the same

regulations, fines, penalties and forfeitures which are provided in and by the acts of Congress now in force, respecting the duties on stamped vellum, parchment and paper—And the said fines, penalties and forfeitures shall be sued for, and recovered in the same manner, and to the same uses, as are provided in the said acts. *ibid.* § 5.

32. No duties shall be levied or collected upon any bonds required in any case by the laws of the U. S. or of any state, upon legal process, or in any judicial proceeding, or for the faithful performance of any trust or duty; any thing in the above recited act to the contrary notwithstanding. *ibid.* § 6.

33. The supervisors shall severally be allowed upon all stamp duties, and upon all fines accruing thereupon, which shall be collected and accounted for by them respectively, the commissions following, to wit: Upon all duties collected from persons other than officers of the revenue, and upon all fines, a commission of 4 per centum;—upon all duties received from officers of the revenue, or which are collected and duly accounted for by said officers, a commission of 1 per centum; and the inspectors of surveys, not being also supervisors, shall, severally, be allowed upon all stamp duties, and upon all fines accruing thereupon, which shall be collected and accounted for by them, respectively, a commission of 1 and an half per centum. And the allowances aforesaid shall extend to the duties and fines which have been heretofore, or may be hereafter collected and accounted for, in manner aforesaid, in pursuance of the act, intituled “An act laying duties upon stamped vellum, parchment and paper,” as well as to all duties and fines authorized by this act. *ibid.* § 7.

## On Sugar refined in the United States.

1. AFTER the 30 Sep. next, there shall be levied, collected and paid, upon all sugar which shall be refined within the U. S. a duty of 2 cents per lb. *June 5, 1794, c. 51, § 2. cont. for 2 years &c. further cont. by March 1795, c. 110, § 20, to the 1 March 1801.*

2. The duty aforesaid shall be levied, collected and accounted for, by the same officers, as are provided by the act, intituled, “An act repealing, after the last day of June next, the duties heretofore laid upon distilled spirits imported from abroad, and laying others in their stead, and also upon spirits distilled within the U. S. and for appropriating the same,” (see *duties on spirits distilled &c. art. 1*) subject to the superintendence and controul of the department of the treasury, according to the respective authorities and duties of the officers thereof. *ibid.* § 3.

3. Every refiner of sugar, who shall be such, immediately before, and on the 20th day of Sep. next, shall, on the said day, and every refiner of sugar, who shall be, and become such, after the said day,



shall, 20 days, at the least, previous to the commencing the business of refining sugar, make true and exact entry and report in writing, at the office of inspection, which shall be nearest to the house or building, where he or she shall carry on, or intend to carry on, the said business, of every house or building, where such business shall be by him or her carried on, or intended so to be, and of every pan or boiler, together with the capacity of each, which he shall have, or employ, for the purpose of refining sugar, and shall also give bond in the sum of 5000 dollars, with condition, that he or she shall and will enter or cause to be entered, in a book or paper to be kept for that purpose, all sugar, which he or she shall refine, or cause to be refined, and of the quantities, from day to day, by him or her sent out or caused to be sent out of the house or building, where the same shall have been refined, and shall, on the first day of Jan. April, July and Oct. in each year, render a just and true account of all the refined sugar, which he or she shall have sent out, or caused or procured to be sent out, from the first time of his or her entry and report aforesaid, until the day, which shall first ensue, of the days above mentioned, for the rendering of such account; and thenceforth, successively, from the time when such account ought to have been, and up to which it shall have been last rendered, until the day next thereafter of the days above-mentioned for the rendering of such account, producing and shewing therewith, the original book or paper, whereon the entries, from day to day, to be made, as aforesaid, have been made; and he or she shall, at the time of rendering each account, pay or secure the duties, which by this act ought to be paid upon the refined sugar in the said account mentioned. And if any such refiner shall omit to make any such entry or report, he or she shall forfeit and lose every pan or boiler, which he or she shall have, and use, for the purpose of refining sugar, and shall also forfeit the sum of 500 dollars, to be recovered with costs of suit.

*ibid.* § 5.

4. Every refiner of sugar shall, yearly, being thereunto required by an officer of inspection, make oath or affirmation, according to the best of his or her knowledge and belief, that the accounts, which have been by him or her rendered, of the quantities of refined sugar by him or her sent out of the house or building, where the same shall have been manufactured, or procured or caused so to be sent out, have been just and true. *ibid.* § 7.

5. If any person shall knowingly, and with design, falsely swear or affirm, touching any of the matters herein before required to be verified by oath or affirmation, he or she shall be deemed guilty of wilful and corrupt perjury. *ibid.* § 8.

6. Every refiner of sugar, shall, at each time of rendering an account, as herein before required, make a true and particular report of the engines, implements and utensils, of the several descriptions herein before mentioned, which he or she, at any time since that of rendering his or her last account, hath used or kept and shall then have, use, or keep, for carrying on his or her trade

or business, on pain of forfeiting, for each and every neglect or omission, all such engines, implements and utensils, together with the sum of 500 dollars, to be recovered with costs of suit. *ibid.* § 9.

7. All refined sugar, which shall have been manufactured or made within the U. S. in manner aforesaid, after the said 30 Sep. next, whereof the duties aforesaid have not been duly paid or secured, according to the true intent and meaning of this act, shall, upon default being made in the paying or securing of the said duties, be forfeited, and shall and may be seized, as forfeited, by any officer of the inspection or of the customs. *ibid.* § 10.

8. It shall be lawful for every such refiner of sugar, at his or her option, either to pay, upon the rendering of his or her account as aforesaid, the duties, which shall thereby appear to be due and payable, with a deduction or abatement of 6 per cent. for prompt payment, or to give bond, with one or more sureties to the satisfaction of the officer of inspection, to whom such account shall be rendered, for the payment of the said duties, at the expiration of 9 months thereafter: *Provided*, That no person, whose bond for any of the said duties shall remain unpaid, beyond the term allowed for the payment thereof, shall be intitled to future credit for any of the said duties; so long as such bond shall remain unpaid. *ibid.* § 11.

9. From and after the said 30 Sep. next, there shall be levied, collected and paid (in addition to the duties now payable thereupon) upon all manufactured tobacco or snuff, and upon all refined sugar, which, after the said day, shall be imported into the U. S. from any foreign port or place, the following rates and duties, to wit:

Upon tobacco, four cents per pound:

Upon snuff, twelve cents per pound:

Upon refined sugar, four cents per pound:

Which duties shall be collected in the same manner, by the same officers, under the like regulations, and subject to the like pains, penalties and forfeitures, as now are collected the duties heretofore laid upon the said articles, respectively; the act and acts concerning which are hereby declared to be in as full force, for the collection of the additional duties hereby laid, as if the said act and acts were herein particularly recited and repeated.

10. From and after the 31 day of Dec. next, no refined loaf or lump sugar shall be imported into the U. S. from any foreign port or place, except in ships or vessels of the burthen of 120 tons and upwards, and in casks or packages containing, each, not less than 600 lb. on pain of forfeiting the said ships or vessels, and the loaf and lump sugar imported therein, except in such casks or packages, as aforesaid. *ibid.* § 13.

11. From and after the 30 day of Sep. next, no drawback of the duties upon any manufactured tobacco, or snuff or refined sugar, which shall have been imported into the U. S. from any foreign port or place, shall be allowed, but the duties hereby

*Tobacco, Snuff, Sugar refined:*  
*Duties.*

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laid upon sugar refined within the U. S. shall and may be drawn back upon all such of the said sugar, refined within the U. S. after the said 30 Sep. next, which, after the said day, shall be exported from the U. S. to any foreign port or place: And adding to the drawback upon sugar so exported, 3 cents per pound, on account of duties paid upon the importation of raw sugar, *Provided*, That no drawback shall be allowed on the exportation of the said article in any instance, where the same shall amount to less than 12 dollars. *ibid.* § 14.

12. In order to entitle the exporter or exporters to the benefit of the said allowance, he, she, or they shall, previous to the putting or lading any of the said refined sugar on board of any ship or vessel for exportation, give 6 hours notice at the least, to the proper officer of inspection of the port, from which the said sugar shall be intended to be exported, of his, her, or their intention to export the same, and of the number of packages containing the same, and the respective marks thereof, and the place or places where deposited, and of the place to which, and ship or vessel in which they or either of them shall be so intended to be exported. Whereupon, it shall be the duty of the said officer to inspect, by himself or deputy, the packages so notified for exportation, and the same, after such inspection shall be laden on board the same ship or vessel, of which notice shall have been given, and in the presence of the same officer or his deputy, who shall have inspected the same; which officer, after the same shall have been so laden on board, shall certify to the collector of the district, the quantity and particulars of the article or articles so laden for exportation. *ibid.* § 15.

13. The said allowance shall not be made, unless the said exporter or exporters shall make oath or affirmation, that the said sugar so noticed for exportation and laden on board such ship or vessel, is truly intended to be exported to the place, whereof notice shall have been given, and is not intended to be reloaded within the U. S. and that he or she doth verily believe, that the duties thereupon charged by this act, have been duly paid or secured to be paid; and shall also give bond to the collector, with 2 sureties, 1 of whom shall be the master, or other person having the command or charge of the ship or vessel, in which the said sugar shall be intended to be exported; the other, such sufficient person as shall be approved by the said collector in the full value, in the judgment of the said collector, of the said sugar so intended to be exported, with condition that the said sugar (the dangers of the seas and enemies excepted) shall be really and truly exported to, and landed in some port or place without the limits of the U. S. and that the said sugar shall not be unshipped from on board of the said ship or vessel, whereupon the same shall have been laden for exportation, within the said limits, or any ports or harbors of the U. S. or reloaded in any other part of the same (shipwreck or other unavoidable accident excepted.) *ibid.* § 16.

14. The said allowance shall not be paid until 9 months, after



the said sugar shall have been so exported: And whenever the owner of any ship or vessel, on board of which, any such sugar is laden for exportation, shall make known to the collector, previous to the departure of such ship or vessel, from the port where such sugar is laden, that such ship or vessel is not going to proceed on the voyage intended, or the voyage is altered, it shall be lawful for the collector to grant a permit for relanding the same. *ibid.* § 17.

15. If any of the said sugar, after the same shall have been shipped for exportation, shall be unshipped for any purpose whatever, either within the limits of any part of the U. S. or within 4 leagues of the coast thereof, or shall be relanded within the U. S. from on board the ship or vessel, wherein the same shall have been laden for exportation, unless the voyage shall not be proceeded on, or shall be altered as aforesaid, or unless in case of necessity or distress to save the ship and goods from perishing, which shall be immediately made known to the principal officer of the customs, residing at the port nearest to which such ship or vessel shall be, at the time such necessity or distress shall arise, then not only the sugar so unshipped, together with the casks, vessels and cases containing the same, but also the ship or vessel, in, or on board which, the same shall have been so shipped or laden, together with the guns furniture, ammunition, tackle and apparel, and also the ship, vessel or boat, into which the said sugar shall be unshipped or put, after the unshipping thereof, together with her guns, furniture, ammunition, tackle and apparel, shall be forfeited, and may be seized by any officer of the customs or of inspection. *ibid.* § 18.

16. The bonds to be given, as aforesaid, may be discharged, by producing within 1 year from the respective dates thereof (if the same shall be shipped to any part of Europe or America, and within 2 years, if shipped to any part of Asia or Africa; and if the delivery of the sugar, in respect to which the same shall have been given, be at any place, where a consul or other agent of the U. S. resides) a certificate of such consul or agent, or if there be no consul or agent, then a certificate of any two known and reputable American merchants residing at the said place; and if there be not 2 such merchants residing at the said place, then a certificate of any other 2 reputable merchants, testifying the delivery of the said sugar, at the said place. Which certificate shall, in each case, be confirmed by the oath or affirmation of the master and mate, or other like officer of the vessel, in which the said sugar shall have been exported; and when such certificate shall be from any other than a consul or agent, or merchants of the U. S. it shall be a part of the said oath or affirmation, that there were not, upon diligent enquiry, to be found 2 merchants of the U. S. at the said place: *Provided always*, That in case of death, the oath or affirmation of the party dying, shall not be deemed necessary: *And provided further*, That the said oath or affirmation, taken before the chief civil magistrate of the place, of the said de-

livery, and certified under his hand and seal, shall be of the same validity, as if taken before a person qualified to administer oaths within the U. S. or such bonds shall and may be discharged, upon proof that the sugar, so exported, was taken by enemies, or perished in the sea, or destroyed by fire: The examination and proof of the same, being left to the judgment of the collector of the customs, naval officer, and chief officer of inspection, or any 2 of them, of the place from which such sugar, shall have been exported. And in cases where the certificates herein directed, cannot be obtained, the exporter or exporters of such sugar shall, nevertheless, be permitted to offer such other proof as to the delivery of the said sugar, without the limits of the U. S. as he or they may have; and if the same shall be deemed sufficient by the said collector, he shall allow the same, except when the drawback to be allowed shall amount to 100 dollars or upwards: In all which cases, the proofs aforesaid shall be referred to the comptroller of the treasury, whose decision thereon shall be final. *ibid.* § 19.

17. It shall be lawful to export, directly from any manufactory of refined sugar, to any foreign port or place, any refined sugar, which shall have been manufactured at such manufactory, after the said 30 day of Sep. next, free from duty: *Provided*, That the same proceedings be had, in all respects, in order thereto, which are herein before prescribed, in order to the obtaining the benefit of the drawbacks of the duties which have been paid, or secured, upon any sugar, exported to a foreign port or place. *ibid.* § 20.

18. All penalties and forfeitures, which shall be incurred, pursuant to this act, shall be divided and distributed, one half thereof to the use of the U. S. and the other half thereof to the use of the person who, if an officer of inspection, shall first discover, or if not an officer of inspection, shall first give information of the cause, matter or thing, whereby any of the said penalties or forfeitures shall have been incurred. *ibid.* § 21. *So much of this act as related to snuff manufactured in the U. S. is repealed.* (see duties on snuff manufactured &c. art. 16.)



## On Tonnage.

1. **U**PON all ships or vessels which after the first Sep. next, shall be entered in the U. S. from any foreign port or place, there shall be paid the several duties following, that is to say: On ships or vessels of the U. S. at the rate of 6 cents per ton; on ships or vessels built within the U. S. after the 20 July last, but belonging wholly or in part to subjects of foreign powers, at the rate of 30 cents per ton; on other ships or vessels at the rate of 50 cents per ton. *July 20, 1790, c. 30, § 1.*

2. The aforesaid duty of 6 cents per ton, shall be also paid up-

on every ship or vessel of the U. S. which after the said 1 Sep. next, shall be entered in a district in one state from a district in another state, other than an adjoining state on the sea coast or on a navigable river, having on board goods, wares, and merchandize taken in one state to be delivered in another state; but it shall not be paid on any ship or vessel having a licence to trade between the different districts of the U. S. or to carry on the bank or whale fisheries whilst employed therein, more than once a year. *ibid.* § 2.

3. Upon every ship or vessel not of the U. S. which after the said first day of Sep. next, shall be entered in one district from another district, having on board goods, wares and merchandize taken in, in one district to be delivered in another district, there shall be paid at the rate of 50 cents per ton. *ibid.* § 3.

4. It is declared by the 23 § of the act, intituled, "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," "That if any vessel of the burthen of 20 tons or upwards, not having a certificate of registry or inrollment, and a license, shall be found trading between different districts, or be employed in the bank or whale fisheries, every such ship or vessel shall be subject to the same tonnage and fees as foreign ships or vessels," which, from the impracticability in some cases of obtaining licenses in due season, and from misapprehension in others, has operated to the prejudice of individuals; and it being proper that relief should be granted in cases where the strict operation of new laws may have occasioned hardship and inconvenience: Therefore in all cases in which the said foreign duty shall have been heretofore paid on ships or vessels of the U. S. whether registered at the time of payment or afterwards, restitution thereof shall be made, and no such foreign duty shall hereafter be demanded on the said ships or vessels. *ibid.* § 4.

5. The act, intituled, "An act imposing duties on tonnage," shall, after the said 1 day of Sep. next be repealed, and shall thenceforth cease to operate, except as to the collection of the duties which shall have accrued prior to the said repeal. *ibid.* § 5. (see duties collection of art. 63, 64.)



## Duties,

### *Collection of, on imports and tonnage,*

1. **T**HE state of New Hampshire shall be 1 district, to be called the district of Portsmouth, of which the town of Portsmouth shall be the sole port of entry, and the towns of New-Castle, Dover and Exeter, ports of delivery only; but all ships or vessels, bound to or from either of the said ports of delivery, shall first



come to, enter and clear at Portsmouth ; and a collector, naval officer and surveyor for the said district, shall be appointed, to reside at Portsmouth ; and the authority of the officers of the said district shall, for the purposes of this act, extend to the northern boundary line of the said state of New-Hampshire, adjoining to the British colony of Lower Canada, March 2, 1799, c. 128, § 1.

2. In the state of Massachusetts there shall be 22 districts and ports of entry, to wit : Newburyport, Ipswich, Gloucester, Salem and Beverly, as 1 ; Marblehead, Boston and Charlestown, as 1 ; Plymouth, Barnstable, Nantucket, Edgartown, New-Bedford, Dighton, York, Biddeford and Pepperelborough, as 1 ; Portland and Falmouth, as 1 ; Bath, Wiscasset, Penobscot, Frenchman's Bay, Machias, Passamaquoddy and Waldoborough.

To the district of Newbury-port, shall be annexed the several towns or landing places of Almsbury, Salisbury, Haverhill and Newbury, which shall be ports of delivery only ; and a collector, naval officer, and surveyor for the district shall be appointed, to reside at Newbury-port.

To the district of Gloucester shall be annexed the town of Manchester, as a port of delivery only ; and a collector and surveyor shall be appointed for the district, to reside at Gloucester.

To the district of Salem and Beverly shall be annexed the town or landing place of Danvers, as a port of delivery only ; and a collector, naval officer and surveyor, for the district, shall be appointed, to reside at Salem, and a surveyor, to reside at the town of Beverly.

To the district of Marblehead shall be annexed the town of Lynn, as a port of delivery only ; and a collector for the district shall be appointed, to reside at Marblehead.

To the district of Boston and Charlestown shall be annexed the towns or landing places of Medford, Cohasset, Hingham and Weymouth, as ports of delivery only ; and a collector, naval officer and surveyor for the district, shall be appointed, to reside at Boston.

To the district of Plymouth shall be annexed the several towns or landing places of Scituate, Duxbury and Kingston, as ports of delivery only ; and a collector for the district shall be appointed, to reside at Plymouth.

To the district of Barnstable shall be annexed the several towns or landing places of Sandwich, Falmouth, Hardwich, Wellfleet, Provincetown and Chatham, as ports of delivery only ; and a collector for the district shall be appointed, to reside at Barnstable.

In the district of Nantucket, the port of Nantucket shall be the sole port of entry and delivery ; and a collector for the district shall be appointed, to reside at Nantucket.

In the district of Edgartown, a collector for the district shall be appointed, to reside at Edgartown.

To the district of New-Bedford shall be annexed Westport, Ro-

chester and Wareham, as ports of delivery only ; and a collector for the district shall be appointed, to reside at New-Bedford.

To the district of Dighton shall be annexed Swansea, Somerset, Freetown, Berkely and Taunton, as ports of delivery only ; and a collector for the district shall be appointed, to reside at Dighton.

To the district of York shall be annexed Kittery and Berwick, as ports of delivery only ; and a collector for the district shall be appointed, to reside at York.

To the district of Biddeford and Pepperelborough shall be annexed Scarborough, Wells, Kennebunk and Cape Porpoise, as ports of delivery only ; and a collector for the district shall be appointed, to reside at Biddeford.

To the district of Portland and Falmouth shall be annexed North Yarmouth, Brunswick, Freeport and Harpswell, as ports of delivery only ; and a collector and surveyor shall be appointed for the district, to reside at Portland.

To the district of Bath shall be annexed Hallowell, Pittstown, Topsham, Georgetown and Brunswick, as ports of delivery only ; and a collector for the district shall be appointed, to reside at Bath.

To the district of Wiscasset shall be annexed the town of Boothbay, as a port of delivery only ; and a collector for the district shall be appointed, to reside at Wiscasset.

To the district of Penobscot shall be annexed Frankfort, Bluehill, Hampden and Deer-Island, as ports of delivery only ; and a collector for the district shall be appointed, to reside at Castine ; which shall be the port of entry for the said district.

To the district of Frenchman's Bay shall be annexed Union River, as a port of delivery only ; and a collector for the district shall be appointed, to reside at Frenchman's Bay.

For each of the districts of Machias and Passamaquoddy, shall be appointed a collector, to reside at the said ports of Machias and Passamaquoddy respectively.

To the district of Waldoborough shall be annexed the towns of Bristol, Nobleborough, Warren, Thomaston, Cushing and Camden ; also that part of a place called Ducktrap, which lies between the towns of Camden and Northport, as ports of delivery only ; and a collector for the district shall be appointed, to reside at Waldoborough, and a surveyor, to reside at Thomaston.

The district of Ipswich shall include the town of Ipswich, as a port of entry only ; and a collector for the district shall be appointed, to reside at Ipswich.

The district of Newburyport shall include all the waters and shores from the state of New-Hampshire to the north line of Ipswich.

The district of Gloucester shall include all the waters and shores in the towns of Gloucester and Manchester.

The district of Salem and Beverly shall include all the shores and waters within the towns of Beverly Salem and Danvers.

The district of Marblehead shall include all the waters and shores within the towns of Marblehead and Lynn.

The district of Boston and Charlestown shall include all the waters and shores within the counties of Middlesex Suffolk, and Norfolk.

The district of Plymouth shall include all the waters and shores within the county of Plymouth, excepting the town of Wareham and Rochester.

The district of Barnstable shall include all the waters and shores within the county of Barnstable.

The district of Nantucket shall include the island of Nantucket.

The district of Edgartown shall include all the waters and shores within the county of Duke's county.

The district of New-Bedford shall include all the waters and shores within the towns of New-Bedford, Dartmouth, Westport, Rochester, and Wareham, together with all the islands within the county of Bristol.

The district of Dighton shall include all the waters and shores on Taunton river, and in the town of Rehoboth.

The district of Waldoborough shall include all the waters and shores from the middle of Damarascotty river to the southwardly side of the town of Northport.

The collectors of the several districts within that part of the state of Massachusetts, eastward of New-Hampshire, shall, from time to time, agree upon a divisional line between their respective districts, and transmit the same to the Comptroller of the Treasury; and such districts so agreed upon, shall include all the waters, shores, and islands within the same, and all the lands adjoining to the British colonies of New-Brunswick and Lower Canada, within the eastern part of the state of Massachusetts aforesaid. And in case of disagreement between any of the said collectors, concerning such divisional line, the President of the U. S. shall determine the same. *ibid.* § 2.

3. In the state of Rhode-Island and Providence Plantations, there shall be 2 districts, to wit; the district of Newport, and the district of Providence. The district of Newport shall comprehend all the waters, shores, bays, harbours, creeks, and inlets, from the west line of the said state, all along the sea coast; and northward, up the Narraganset bay, as far as the most southerly part of Warwick Neck, and from thence nearly a north east course, to the south end of Rumstick Point, at high water mark, and shall include the several towns, harbours, and landing places at Westerly, Charleston, South-Kingston, North-Kingston, East-Greenwich, and all that part of Warwick southward of Warwick Neck, and also the towns, harbours, and landing places of Barrington, Warren, Bristol, Tiverton, Little-Compton, and all the towns, harbours, and landing places of the Island of Rhode-Island, Jamestown, Prudence, New-Shoreham, and every other Island and place within the said state, southward of Warwick Neck and Rumstick Point.



The district of Providence shall comprehend all the waters, shores, bays, harbours, creeks and inlets, within the state of Rhode-Island, northward of a line running nearly a north east course from the south end of Warwick Neck to the south end of Rumstick Point at high water mark, including only the waters bounded by the east and west shores of said Rumstick Point and Warwick Neck, leading up the bay of the port of Providence. The town of Newport shall be the sole port of entry in the said district of Newport; and a collector, naval officer and surveyor for the district shall be appointed, to reside at the said town of Newport; and North Kingston, East Greenwich, Barrington, Warren, Bristol and Pawcatuck river in Westerly, shall be ports of delivery only; and a surveyor shall be appointed, to reside at each of the ports of North Kingston, East Greenwich, Warren, Bristol and Pawcatuck river; and the surveyor to reside at Warren shall be surveyor for the port of Barrington. The town of Providence shall be the sole port of entry, in the said district of Providence: and Patuxet in the same district shall be a port of delivery only; and a collector, naval officer and surveyor shall be appointed, to reside at Providence; and a surveyor shall be appointed, to reside at Patuxet. *ibid.* § 3.

4. In the state of Connecticut there shall be 4 districts, to wit; New-London, New-Haven, Fair-field and Middletown. The district of New-London shall extend from the east line of the said state of Connecticut to the east line of the town of Lyme, and shall include the several towns or landing places of Norwich, Stonington and Groton, as ports of delivery only; and New-London to be the sole port of entry; and a collector and surveyor for the district shall be appointed, to reside at New-London; and a surveyor, to reside at Stonington.

The district of New-Haven shall extend from the west line of the district of New-London, westerly to Ousatumnick river, to which shall be annexed the several towns, or landing places of Guildford, Brandford, Milford, and Derby as ports of delivery only; and New-Haven shall be the sole port of entry; and a collector and surveyor for the district shall be appointed, to reside at New-Haven.

The district of Fairfield shall include all the ports and places in the said state of Connecticut west of the district of New-Haven, to which shall be annexed the several towns or landing places of Norwalk, Stratford, Stamford and Greenwich, as ports of delivery only; Fairfield shall be the sole port of entry; and a collector for the district shall be appointed, to reside at Fairfield.

The district of Middletown shall include the several towns and landing places of Lyme, Saybrook, Killingworth, Haddam, East Haddam, Middletown, Chatham, Weathersfield, Glastenbury, Hartford, East Hartford, Windsor, and East Windsor, of which Middletown shall be the sole port of entry; and the other towns and landing places before named, shall be ports of delivery only; and a collector and surveyor shall be appointed, to reside at Mid-

dletown ; and a surveyor shall be appointed, to reside at Hartford, and another to reside at Saybrook. *ibid.* § 4.

5. In the state of New-York, there shall be 6 districts, to wit ; Sagg Harbour on Nassau or Long Island, the city of New-York, the city of Hudson, Champlain, Oswego and Niagara.

The district of Sagg Harbour shall include all the bays, harbours, rivers and shores, within the two points of land which are called Oyfter Pond point, and Mantauck point ; and a collector for the district shall be appointed, to reside at Sagg Harbour, which shall be the only port of entry and delivery in the said district.

The district of the city of New-York, shall include all such part of the coasts, rivers, bays and harbours of the said state as are not included in other districts of the said state, especially the several towns or landing places of New Windsor, Newburgh, Poughkeepsie, Esopus, Kinderhook and Albany, as ports of delivery only ; and a collector, naval officer and surveyor for the district shall be appointed, to reside at New-York, which shall be the sole port of entry for the district ; and a surveyor, at the city of Albany : and the President of the U. S. is authorized if he judge it expedient, to appoint one other surveyor, to reside at such other place in the said district as he shall appoint.

The district of Hudson shall include all the waters and shores of the said city ; and a collector shall be appointed for the said district, to reside at the said city of Hudson, which shall be the sole port of entry and delivery.

The district of Champlain shall include all such shores and waters of Lake Champlain, and the rivers connected therewith, as lie within the said state of New-York ; and the said district shall extend westwardly along the northern boundary line of the said state, unto the place where said line is bounded by the river St. Laurence ; and the President of the U. S. is hereby authorized to appoint such place within the said district to be a port of entry and delivery, as he shall judge expedient ; and a collector shall be appointed, to reside at the port of entry which may be established within the said district ; and the President is also authorized if he shall judge proper, to appoint, not exceeding 2 surveyors, to reside at such places as he may judge expedient to constitute ports of delivery only.

The district of Oswego shall include all the shores, and waters of the river St. Laurence, from the place where said river is intersected by the 45th degree of northern latitude, and all the shores and waters of Lake Ontario, and the rivers and waters connected therewith, lying within the jurisdiction of the U. S. and within the state of New York, to the eastward of the west bank of Genessee river ; and a collector shall be appointed, who shall reside at or near Oswego, at such place as the President of the U. S. shall appoint to be the port of entry for the district ; and the President of the U. S. is authorized to appoint not exceeding 3 surveyors, to reside at such places within the said district, as he

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shall judge proper, and to constitute each or either of such places to be ports of delivery only.

The district of Niagara shall include all the shores and waters of Lake Ontario and Lake Erie, and the rivers connected therewith, lying within the jurisdiction of the U. S. and within the state of New-York, to the westward of the west bank of Genessee river; and a collector shall be appointed who shall reside at Niagara, which shall be the sole port of entry for the district; and the President of the U. S. is authorised to appoint, not exceeding 2 surveyors, to reside at such places within the said district, as he shall judge proper, and to constitute each or either of such places to be ports of delivery only. *ibid.* § 5.

6. The state of Vermont shall constitute 1 district, which shall include all such shores and waters of Lake Champlain, and the rivers connected therewith, as lie within the said state, and shall also extend along the northern boundary line of the said state, adjoining to the British colony of Lower Canada: and the President of the U. S. is authorised to appoint such place within the said district, to be the sole port of entry, as he shall judge proper; and a collector shall be appointed to reside thereat, and the President of the U. S. is also authorised, if he judge it expedient, to establish not exceeding 2 places as ports of delivery only, and to appoint surveyors for each, or either of said places, at his discretion. *Provided nevertheless*, That the President of the U. S. may, whenever he shall judge it expedient, and for the interest of the U. S. erect the northern boundary line of the said state, adjoining the British colony of Lower Canada, or so much thereof, as he may think proper, into a separate district, and appoint a collector, to reside at such port of entry and delivery, as may be established by the President within the same. *ibid.* § 6.

7. In the state of New-Jersey, there shall be 5 districts, to wit: Perth Amboy, Burlington, Bridgetown, Great Egg Harbour and Little Egg Harbour, which shall severally be ports of entry. The district of Perth Amboy shall comprehend all that part of the state of New-Jersey known by the name of East New-Jersey (that part excepted which is hereafter included in the district of Little Egg-Harbour) together with all the waters thereof heretofore within the jurisdiction of the said state; in which district the towns, or landing places of New-Brunswick, Middletown Point, Elizabeth Town, and Newark, shall be ports of delivery only; and a collector for the district shall be appointed, to reside at Perth Amboy, and a surveyor, to reside at New Brunswick.

The district of Burlington shall comprehend that part of the said state known by the name of West New-Jersey, which lies to the eastward and northward of the county of Gloucester, with all the waters thereof heretofore within the jurisdiction of the said state, in which district the landing place of Lambertton shall be a port of delivery only; and a collector shall be appointed for the district, to reside at Burlington, which shall be the port of entry for the district.



The district of Bridgetown shall comprehend the counties of Gloucester, Salem, Cumberland and Cape May (such parts of the county of Gloucester and Cape May, as shall be herein after included in the district of Great Egg-Harbour, excepted) and all the waters thereof heretofore within the jurisdiction of the said state; and the town of Salem and Port Elizabeth on Maurice river shall be the ports of delivery only; and a collector for the district shall be appointed, to reside at Bridgetown, which shall be the port of entry for the district.

The district of Great Egg-Harbour shall comprehend the river of Great Egg-Harbour, together with all the inlets, bays, sounds, rivers and creeks, along the sea coast, from Brigantine Inlet to Cape May; and a collector for the district shall be appointed, to reside at Somers-point, on the said river of Great Egg-Harbour.

The district of Little Egg-Harbour shall comprehend all the shores, waters, bays, rivers and creeks from Barnegat Inlet, to Brigantine Inlet, both inclusively; and the town of Tuckerton shall be the sole port of entry for the said district; and a collector for the same shall be appointed, to reside at Tuckerton. *ibid.*

§ 7.

8. In the state of Pennsylvania, there shall be 2 districts, to wit: Philadelphia, and Presque-Isle; the district of Pennsylvania shall include all the shores and waters of the river Delaware, and the rivers and waters connected therewith, lying within the state of Pennsylvania; and the city of Philadelphia shall be the sole port of entry and delivery for the same; and a collector, naval officer and surveyor for the district shall be appointed, who shall reside at the city of Philadelphia.

The district of Presque-Isle shall include all the shores and waters of Lake Erie, and the rivers and waters connected therewith, lying within the jurisdiction of the U. S. and the state of Pennsylvania; and a collector for the said district shall be appointed, who shall reside at Presque-Isle. *ibid.* § 8.

9. The state of Delaware shall be 1 district, and the borough of Wilmington shall be the only port of entry, to which shall be annexed, New-Castle and Port Penn, as ports of delivery only; and a collector for the district shall be appointed, to reside, at the said port of Wilmington. *ibid.* § 9.

10 In the state of Maryland there shall be 10 districts, to wit: Baltimore, Chester, Oxford, Vienna, Snowhill, Annapolis, Nottingham, Nanjemoy, Georgetown and Havre-de-Grace.

The district of Baltimore shall include Patapsco river, Turkey Point, Spes Utiae Island, and all the waters and shores on the west side of Chesapeake Bay, from the mouth of Magetty river, which shall not be included in the district of Havre de-Grace; and a collector, naval officer and surveyor for the district shall be appointed, to reside at Baltimore, which shall be the sole port of entry.

The district of Chester shall include Chester river, and all the waters and shores on the eastern side of Chesapeake Bay, from the

South side of Elk river, to the north side of the Eastern Bay, and Wye river, inclusive; in which Georgetown on Sassafras river, shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Chester, which shall be the sole port of entry.

The district of Oxford shall include all the waters and shores on the eastern side of Chesapeake Bay, from the north side of Wye river, and the Eastern bay, to the south side of Great Choptank river, inclusive; and Cambridge shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Oxford, which shall be the sole port of entry.

The district of Vienna shall include all the waters and shores on the eastern side of Chesapeake Bay from the south side of Great Choptank river, to the south side of Hooper's Straights, Hayne's Point, and Wicomico river, inclusive; and Salisbury shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Vienna, which shall be the sole port of entry.

The district of Snowhill shall include all the waters and shores on the sea coast, from the north line of Virginia, to the south line of Delaware, together with all the waters and shores on the eastern side of Chesapeake Bay, from the south side of Wicomico river to the south side of Pocomoke river, inclusive, so far as the jurisdiction of the said state of Maryland extends; to which Sinnipuxent shall be a port of delivery for West-India produce only; and a collector for the district shall be appointed, to reside at Snowhill, which shall be the sole port of entry.

The district of Annapolis shall include Magetty river, and all the waters and shores from thence to Drum Point on Patuxent river; and a collector for the district shall be appointed, to reside at Annapolis, which shall be the sole port of entry and delivery for the same.

The district of Nottingham shall include all the waters and shores on the west side of Chesapeake Bay, to Drum Point, on the river Patuxent, together with the said river, and all the navigable waters emptying into the same, to which Benedick, Lower Marlborough, Town Creek, and Sylvey's Landing, shall be annexed as ports of delivery only; and a collector for the district shall be appointed, to reside at Nottingham, and a surveyor at Town Creek, and Nottingham shall be the sole port of entry.

The district of Nanjemoy shall include all the waters of the Potowmack within the jurisdiction of the state of Maryland, from Point-look-out to Pomonky Creek inclusive, to which Cedar Point, Saint Mary's and Lewellensburgh shall be annexed as ports of delivery only; and a collector for the district shall be appointed, to reside at Nanjemoy, also a surveyor, to reside at each of the towns of St. Mary's and Lewellensburgh; and Nanjemoy shall be the sole port of entry.

The district of Georgetown shall include all the waters and shores from Pomonky Creek on the north side of Potowmack river,

to the head of the navigable waters of the said river, within the jurisdiction of the state of Maryland, to which Digges's Landing and Carrolsburgh shall be annexed as ports of delivery only; and a collector for the district shall be appointed, to reside at Georgetown, which shall be the sole port of entry.

The district of Havre-de-Grace shall include all the waters and shores of the Chesapeake Bay, above Turkey Point and Spes Utiae Island to the south side of Elk river, inclusive, and a collector for the district shall be appointed, to reside at Havre-de-Grace, which shall be the sole port of entry for the same. *ibid.* § 10.

11. In the state of Virginia there shall be 11 districts, to wit: Hampton, as 1 port, Norfolk and Portsmouth, as 1 port, Bermuda Hundred and City Point, as 1 port, York town, Tappahannock, Yeocomico river, including Kinsale, Dumfries, including Newport, Alexandria, Folly Landing, Cherry-stone and South Quay. The authority of the officers at Hampton shall extend over all the waters, shores, bays, harbours and inlets between the south side of the mouth of York river, along the west shore of Chesapeake Bay, to Hampton, and thence up the northern side of James river, to the east side of Chickahominy river; and a collector for the district shall be appointed, to reside at Hampton, which shall be the sole port of entry.

To the district of Norfolk and Portsmouth shall be annexed Suffolk and Smithfield, as ports of delivery only; and the authority of the officers of the district shall extend over all the waters, shores, bays, harbours and inlets, comprehended within a line drawn from Cape Henry to the mouth of James river, and thence up the south side of James river to Hood's, inclusively, and up Elizabeth river to the highest tide water thereof; and Norfolk and Portsmouth shall be the sole port of entry; and a collector, naval officer and surveyor for the district shall be appointed, to reside at Norfolk; also a surveyor to reside at each of the ports of Suffolk and Smithfield.

To the district of Bermuda Hundred, or City Point, shall be annexed Richmond, Petersburg and Manchester, as ports of delivery only; and a collector and surveyor shall be appointed for the said district, to reside at Bermuda Hundred, or City Point which shall be the sole port of entry; also a surveyor for Petersburg, to reside thereat; and a surveyor for Richmond and Manchester to reside at Richmond; and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbours and inlets, comprehended between Hood's, on the southern side of James river, and the highest tide water on James and Appamatow rivers, and on the northern side of James river from the highest tide water to the eastern bank of Chickahominy river.

To the district of York-town shall be annexed West-Point and Cumberland as ports of delivery only; and a collector for the district shall be appointed, to reside at York-town, which shall be the sole port of entry; also a surveyor for the 2 ports of delivery, to reside at West-Point; & the authority of the officers of the



said district shall extend over all the waters, shores, bays, harbours & inlets comprehended between the point forming the south shore of the mouth of Rappahannock river, and the point forming the south shore of the mouth of York river, and thence up the said river to West-Point, and thence up Pamunkey and Mattaponi river to the highest navigable waters thereof.

To the district of Rappahannock shall be annexed Urbanna, Port-Royal, and Fredericksburgh, (including Falmouth) as ports of delivery only; and a collector for the district shall be appointed, to reside at Rappahannock, which shall be the sole port of entry; also a surveyor for each of the ports of Urbanna, Port-Royal, and Fredericksburgh; and the authority of the officers of the said district shall extend over all the waters, shores, harbours, bays and inlets, comprehended between Smith's-Point at the mouth of the Potomack river, and the point forming the south shore of the mouth of Rappahannock river, and thence up the last mentioned river to the highest tide water thereof.

The district of Yeocomico River, including Kinsale, shall extend from Smith's-Point, on the south side of Potowmac river, to Boyd's Hole, on the same river, including all the waters, shores, bays, harbours, creeks and inlets, along the south shore of Potowmac river to Boyd's Hole aforesaid; and Yeocomico, including Kinsale, shall be the sole port of entry; and a collector for the district shall be appointed, to reside on Yeocomico river.

The district of Dumfries, including Newport, shall extend from Boyd's Hole to Cockpit Point, on the south side of Potowmack river; and a collector for the district shall be appointed, to reside at Dumfries, which shall be the sole port of entry; and the authority of the officers of this district shall extend over all the waters, shores, bays, harbours, creeks and inlets comprehended between Boyd's Hole and Cockpit Point aforesaid.

For the district of Alexandria shall be appointed a collector and surveyor, to reside at Alexandria, which shall be the sole port of entry: and the authority of the officers of the said district shall extend over all the waters, shores, bays, harbours creeks and inlets on the south side of the river Potowmac, from the last mentioned Cockpit Point to the highest tide water of the said river.

For the district of Folly Landing shall be appointed a collector, who shall reside at Accomack Court-House, and whose authority shall extend over all the waters, shores, bays, harbours and inlets of the county of Accomack.

For the district of Cherry stone, shall be appointed a collector, to reside at Cherrystone, whose authority shall extend over all the waters, shores, bays, harbours and inlets comprehended within Northampton county.

For the district of South Quay a collector shall be appointed, to reside thereat, whose authority shall extend over all the waters, shores, bays, harbours and inlets in that part of the state of Virginia to the southward of the district of Norfolk, and not included in the said district, comprehended within the limits of the said state. *ibid.* § 11.

12. In the state of North Carolina there shall be 5 districts, to wit: One, to be called the district of Wilmington, and to comprehend all the waters, shores, bays, harbours, creeks and inlets from Little River inlet inclusive, to New River inlet inclusive. The town of Wilmington shall be a port of entry and delivery, and there shall be a collector, naval officer and surveyor, to reside at the said town of Wilmington: Another district, to be called the district of Newbern, which shall comprehend all the waters, shores, bays, harbours, creeks and inlets, from New River inlet, inclusive, to Ocracoke inlet, inclusive, together with that part of Pampticoe Sound, which lies southward and westward of the shoal projecting from the mouth of Pampticoe river, towards the Royal Shoal, and southward of the said Royal Shoal; that the town of Newbern shall be a port of entry and delivery, and the towns of Beaufort and Swanborough shall be ports of delivery only; and there shall be a collector appointed for the district, to reside at Newbern, and a surveyor, to reside at Beaufort, and 1 at Swanborough. And it shall be lawful for the President of the U. S. if he shall judge it expedient, and for the interest of the U. S. to establish a port of delivery at Shell Castle or Beacon Island, near Ocracoke Inlet, and to appoint a surveyor to reside thereat: Another district, to be called the district of Washington, which shall comprehend all that part of Pampticoe Sound, not included in the district of Newbern as far north as the Marshes; the town of Washington shall be the sole port of entry and delivery; and a collector for the district shall be appointed, to reside within the same: Another district, which shall be called the district of Edenton, and to comprehend all the waters, bays, harbours, creeks and inlets, from the Marshes inclusive, northward and westward, except those included in the district of Camden; The town of Edenton shall be a port of entry and delivery, and Hertford, Murfreesborough, Princeton, Winton, Bennet's Creek, Plymouth, Windsor and Skewarky, ports of delivery; and a collector for the district shall be appointed, to reside at the town of Edenton, and a surveyor at each of the ports of Hertford, Winton, Bennet's Creek, Plymouth, Windsor, and Skewarky; and one at Murfreesborough, for said port and for Princeton: Another district, which shall be called the district of Camden, and to comprehend North River, Pasquotank and Little Rivers, and all the waters, shores, bays, harbours, creeks and inlets, from the junction of Currituck and Albermarle Sounds, to the North extremity of Blackbay: and Plankbridge, on Sawyer's Creek, shall be the port of entry and delivery, and Nixonton, Indian Town, Newbiggin Creek, Currituck Inlet, Pasquotank River Bridge, ports of delivery: and a collector for the district shall be appointed, to reside at Plankbridge, on Sawyer's Creek, and a surveyor at each of the ports of Nixonton, Indian Town, Currituck Inlet, Pasquotank River Bridge and Newbiggin Creek: and that the authority of the several officers of each district shall extend over all the waters, shores, bays, harbours, creeks and inlets, comprehended within

each district. Provided that all ships or vessels, intending to proceed to Plymouth, Windsor, Skewarky, Winton, Bennet's Creek Bridge, Murfreesborough or Princeton, shall first come to and enter at the port of Edenton; and provided also, that any vessels coming in at Ocracoke Inlet, that may be under the necessity of employing lighters before they pass the Royal Shoal, may be at liberty to enter at any port of entry connected with the waters of said inlet, to which such vessels are bound; and that any vessel coming in at said inlet in ballast, for the purpose of loading without the Royal Shoals, shall be at liberty to enter at any port of entry connected with the waters of said inlet. *ibid.* § 12.

13. In the state of South-Carolina there shall be 3 districts, to wit: Georgetown, Charleston and Beaufort, each of which shall be a port of entry. The district of Georgetown shall include the shores, inlets and rivers, from the boundary of North-Carolina to the point of Cape Romain: The district of Charleston shall include all the shores, inlets and rivers, from Cape Romain to Combahee River, inclusive; and the district of Beaufort shall include the shores, inlets and rivers, from Combahee River to Back River in Georgia, comprehending all the shores, inlets and harbours, formed by the different bars and sea islands lying within each district respectively; and a collector, naval officer and surveyor shall be appointed, to reside at Charleston, and a collector at each of the other ports. *ibid.* § 13.

14. In the state of Georgia there shall be 5 districts, to wit: Savannah, Sunbury, Brunswick, St. Mary's and Hardwicke; each of which shall be a port of entry. The district of Savannah shall include Savannah River, and all the waters, shores, harbours, rivers, creeks, bays and inlets, from the said river to the north point of Oflabaw Island and Great Ogeeche Rivers, inclusive; and a collector, naval officer and surveyor shall be appointed for the said district, to reside at Savannah.

The district of Sunbury shall comprehend all the waters, shores, harbours, rivers, creeks, bays and inlets, south of the north point of Oflabaw Island and Great Ogeeche River exclusive, and north of the south point of Sapelo Island inclusive, except such part as is hereafter described as appertaining to the district of Hardwicke; and a collector for the said district shall be appointed, to reside at Sunbury.

The district of Brunswick shall comprehend all the waters, shores, harbours, rivers, creeks, bays and inlets, from the south point of Sapelo Island exclusive, to the south point of Jekyl Island inclusive; Fredericka shall be a port of delivery only; and a collector for the district shall be appointed, to reside at Brunswick.

The district of St. Mary's shall comprehend all the waters, shores, harbours, rivers, creeks, bays and inlets, from the south point of Jekyl Island exclusive to St. Mary's river inclusive; and a collector for the said district shall be appointed, to reside at St. Mary's.

And in each of the said districts it shall be lawful for the collec-



tor to grant a permit to unlade at any port or place within the district, and to appoint, or put on board any ship or vessel for which a permit is granted, 1 or more inspectors, as may be necessary for the security of the revenue.

The district of Hardwicke shall include all the waters, shores, bays, harbours, creeks and rivers, between the south point of Casabaw Island and the south point of Warsaw Island; and in the said district the town of Hardwicke shall be the only port of entry, and a collector for the said district shall be appointed, to reside at Hardwicke. *ibid.* § 14.

15. In the state of Kentucky there shall be 1 district, which shall include all the waters, shores and inlets of the rivers Ohio and Mississippi, and the rivers and waters connected therewith lying within the jurisdiction of the U. S. and the said state; and a collector shall be appointed, to reside at Louisville, which shall be the sole port of entry and delivery, for the said district, of any goods, wares and merchandize, not the growth or manufacture of the U. S. *Provided nevertheless*, That it shall be lawful for the President of the U. S. whenever he shall judge it expedient, and for the interest of the U. S. to establish a separate district, which shall include all the waters, shores and inlets of the river Mississippi, within the jurisdiction of the U. S. and the said state of Kentucky, and also the shores and waters on the south side of the river Ohio, from the mouth thereof to the east bank of Cumberland River, with the rivers and waters connected with the Mississippi and Ohio, within the limits aforesaid, and within the state aforesaid; and to appoint a collector to reside at such port of entry and delivery as may be established within the same. *ibid.* § 15.

16. In the state of Tennessee there shall be 1 district, which shall include all the waters, shores and inlets of the river Mississippi, and other navigable rivers and waters lying within the jurisdiction of the U. S. and within the said state; and a collector shall be appointed, who shall reside at Palmyra, which shall be the only port of entry or delivery, within the said district, of any goods, wares and merchandize not the growth or manufacture of the U. S. *Provided nevertheless*, That the President of the U. S. may, whenever he shall judge it expedient, and for the interest of the U. S. erect the shores, waters and inlets of the river Mississippi lying within the jurisdiction of the U. S. and within the state of Tennessee, into a separate district, and appoint a collector, to reside at such port of entry and delivery as may be established within the same, *ibid.* § 16.

17. In the territory of the U. S. North-West of the river Ohio, there shall be 6 districts, to wit: Erie, Detroit, Michilimackinac, Massac, Illinois and Ohio.

The district of Erie shall include all the waters, shores and inlets of Lake Erie within the jurisdiction of the U. S. and the rivers and waters connected therewith, from the west line of the state of Pennsylvania unto the west bank of the Miami of Lake Erie, including said river, and the President of the U. S. is author-

ized to establish such place at or near Sandusky, or on the said river Miami, to be the port of entry, as he shall judge expedient, and also to establish not exceeding 2 other places to be ports of delivery only; and a collector shall be appointed, to reside at the port of entry, and surveyors to reside at such ports of delivery as may be established as aforesaid,

The district of Detroit shall include all the waters, shores and inlets of the Lakes Erie, St. Clair and Huron, within the jurisdiction of the U. S. and the rivers and waters connected therewith, to the westward of the river Miami aforesaid, unto the island of Michilimakinac; and a collector shall be appointed, to reside at Detroit, which shall be the sole port of entry for the district; and the President of the U. S. is authorized, if he shall judge it expedient, to establish not exceeding 2 ports of delivery within the said district, and to appoint surveyors to reside thereat.

The district of Michilimakinac shall include the island of that name, the adjoining lands ceded to the U. S. by the Indian nations at the treaty of Greenville, and all the waters, shores and inlets to the westward and northward of the Lakes Michigan and Superior, and the rivers, waters, shores and Lakes connected therewith, lying within the jurisdiction of the U. S. unto the northern and north-western boundaries thereof. And the President of the U. S. is authorized to establish such place at or near Michilimakinac to be the port of entry for the district as he shall deem expedient, and also to establish not exceeding 3 other places within the said district to be ports of delivery only; and a collector shall be appointed to reside at the port of entry, and surveyors to reside at the ports of delivery, which may be established as aforesaid.

The district of Massac shall include the lands relinquished and ceded to the U. S. by the Indian nations, at the treaty of Greenville in August, 1795, lying near the confluence of the rivers Ohio and Mississippi, and shall extend from thence to the mouth of the river Ohio, on the northern side of the said river, and up the river Ohio to the eastern side of the river Wabash, including the said river, with all the waters, shores and inlets connected with the rivers Ohio and Wabash, within the boundaries aforesaid. And such place at or near Fort Massac as the President of the U. S. shall designate for that purpose, shall be the sole port of entry for the district, and a collector shall be appointed, to reside thereat; and it shall be lawful for the President of the U. S. if he shall judge expedient, to establish not exceeding 2 places at or near the river Wabash to be ports of delivery only, and to appoint surveyors to reside thereat.

The district of Illinois shall include all the waters, shores and inlets of the river Mississippi above the mouth of the River Ohio, within the jurisdiction of the U. S. and also the river Illinois, with the rivers, shores and waters connected therewith; and a collector shall be appointed to reside at such place as the President of the U. S. shall designate to be the port of entry, and not exceeding 2

surveyors to reside at such places as the President shall see fit to establish as ports of delivery only.

The district of Ohio shall include all the waters, shores and inlets of the river Ohio, on the northern side, with the rivers, shores and waters connected therewith, lying to the eastward of the district of Massac as before described; and a collector shall be appointed to reside at such place as the President of the U. S. shall designate, at or near the confluence of the Great Miami River and the river Ohio, which place shall be the sole port of entry or delivery for the district.

And there shall be a district on the river Mississippi, south of the state of Tennessee, which shall include all the waters, shores and inlets of the river Mississippi, and other navigable rivers and waters connected therewith, lying within the jurisdiction of the U. S. and south of the said state; and it shall be lawful for the President of the U. S. to designate a proper place, to be the port of entry and delivery within the same, and to appoint a collector to reside thereat.

And in case the appointment of the several collectors and surveyors for the new districts or ports established, or authorized to be established hereby, shall not be made during the present session of Congress, the President of the U. S. may, make such appointments during the recess of the Senate, by granting commissions, which shall expire at the end of their next session; but new appointments shall not be necessary to be made to any of the offices heretofore established. *ibid.* § 17.

18. It shall and *may be* lawful to make entry of any ship or vessel, which shall arrive from any foreign port or place within the U. S. or of the cargo on board such ship or vessel, elsewhere than at one of the ports of entry herein before established, nor to unlade the said cargo, or any part thereof, elsewhere than at one of the ports of delivery herein established. *Provided always*, That every port of entry shall be also a port of delivery; *And provided further*, That none but ships or vessels of the U. S. shall be admitted to unlade at any other than the ports following, to wit: Portsmouth, in New-Hampshire; Portland and Falmouth, New-Bedford, Dighton, Salem and Beverly, Gloucester, Newbury-port, Marblehead, Nantucket. Boston and Charlestown, Plymouth, Bath, Frenchmans-bay, Wiscasset, Machias and Penobscot, in the state of Massachusetts; Newport and Providence, in the state of Rhode-Island and Providence Plantations; New-London and New-Haven, in the state of Connecticut; New York, in the state of New-York; Perth-Amboy and Burlington, in the state of New-Jersey; Philadelphia, in the state of Pennsylvania; Wilmington, Newcastle and Port Penn, in the state of Delaware; Baltimore, Annapolis, Vienna, Oxford, Georgetown on Potomack, Chestertown, Town Creek, Nottingham, Nanjemoy, Digges's Landing, Snowhill and Carrolsburgh, in the state of Maryland; Alexandria, Kinsale, Newport, Tappahannock, Port Royal, Fredericksburgh, Urbanna, York Town, West Point, Hampton, Bermuda Hundred, City Point



Rockett's Landing, Norfolk and Portsmouth, in the state of Virginia; Wilmington, Newbern, Beaufort, Washington, Edenton and Plankbridge, in the state of North Carolina; Charleston, Georgetown and Beaufort, in the state of South-Carolina; and in either of the ports of Savannah, Sunbury, Brunswick, Fredericka and St. Mary's in the state of Georgia; or to make entry in any other district than in the one in which they shall be so admitted to unlade. *And provided lastly*, That no ship or vessel arriving from the Cape of Good Hope, or from any place beyond the same, shall be admitted to make entry at any other than the ports following, to wit: Portsmouth, in the state of Newhampshire; Boston and Charlestown, Newbury-port, Salem and Beverly, Marblehead, Gloucester, Portland and Falmouth, in the state of Massachusetts; Newport and Providence, in the state of Rhode-Island and Providence Plantations; New-London and New-Haven, in the state of Connecticut, New-York in the state of New-York; Perth-Amboy, in the state of New-Jersey; Philadelphia, in the state of Pennsylvania; Wilmington, in the state of Delaware; Baltimore, Annapolis, and George-Town, in the state of Maryland; Alexandria, Norfolk and Portsmouth, in the state of Virginia, Wilmington, Newbern, Washington and Edenton, in the state of North-Carolina; Charleston, Georgetown and Beaufort, in the state of South-Carolina; and Sunbury and Savannah, in the state of Georgia. *Provided*, That nothing herein contained shall prevent the master or commander of any ship or vessel from making entry with the collector of any district in which such ship or vessel may be owned, or from which she may have sailed on the voyage from which she shall then have returned. *Provided also*, That if the President of the U. S. shall see fit to establish a port of delivery at Shell Castle, or Beacon Island, near Ocracoke Inlet, and to appoint a surveyor to reside thereat, it shall be the duty of the master or commander of every ship or vessel coming in at Ocracoke-Inlet, and intending to unlade her cargo, or any part thereof, at any port connected with the waters of the said inlet, to come to at the port of delivery which may be established as aforesaid, and there exhibit like reports and manifests, and perform all other duties required by this act of masters of vessels when arriving at a port of entry in the U. S. but no duties shall be paid or secured at the said port of delivery: and the surveyor who may be appointed to reside at the said port of delivery shall, in addition to other powers and duties granted and prescribed to surveyors by this act, superintend the unloading and discharge of all goods, wares and merchandise from the vessels in which the same may be imported, into the lighters or coasting vessels, which may be employed in the transportation of said goods, wares and merchandize to any port of entry or delivery connected with the said Ocracoke-Inlet; and all goods, wares or merchandise which shall be so unladen into lighters or coasting vessels, shall & may be secured with the necessary locks, or fastenings, or under the seal of the said surveyor, and shall be accompanied with permits, describing the said goods wares and merchandise, the vessel

in which imported, the persons to whom belonging, and the port of entry or delivery to which destined—And the masters or commanders of all lighters or coasting vessels who shall receive goods, wares or merchandise to be transported as aforesaid, shall give triplicate receipts describing the casks or packages, containing the same; and in case any goods, wares or merchandise, transported under permits and for which receipts shall have been given as aforesaid, shall not be transported and delivered to the collector or surveyor of the port of entry or delivery; to which the same shall be consigned by the permits aforesaid, the dangers of the seas and unavoidable accidents only excepted, or if any lock, fastening or seal placed on the said goods, wares or merchandise, shall be broken or destroyed, the lighter or vessel employed in transporting the same shall be forfeited, and the master thereof shall forfeit and pay a sum not exceeding 5000 dollars, with costs of suit—And it shall be the duty of the surveyor, who may be appointed to reside at the port of Shell-Castle, or Beacon-Island, to endorse on the original manifests of vessels arriving at said port, all deliveries which may be made as aforesaid to the masters of lighters or coasting vessels as aforesaid; which manifests shall be exhibited to the collector of the interior port of entry, to which such vessels may be destined, where like entries shall be made and like proceedings had, as are required by the general regulations and provisions of this act. *ibid.* § 18.

19. The master or commander of every ship or vessel bound to a port of delivery only, in any of the following districts, to wit: Portland and Falmouth, except the ports of North Yarmouth, Freeport and Harpswell; Bath, except the ports of Georgetown and Brunswick; Newbury-port, New-London, except the port of Stonington; Middletown, except the ports of Lyme, Saybrook, Killinsworth, Haddam, and East-Haddam; Norfolk and Portsmouth, Bermuda, Hundred or City Point, York Town, Tappa-Jannock, except the port of Urbanna, or Edenton; shall first come to, at the port of entry of such district, with his ship or vessel, and there make report and entry in writing, and pay, or secure to be paid, all legal duties, port fees and charges, in manner provided by this act, before such ship or vessel shall proceed to her port of delivery; and that any ship or vessel bound to a port of delivery in any district other than those above mentioned, or to either of the ports of delivery above mentioned, may first proceed to her port of delivery, and afterwards make report and entry within the time by this act limited; and the master of every vessel arriving from a foreign port, or having goods on board, of which the duties have not been paid or secured, and bound to any port on Connecticut river, shall take an inspector on board at Saybrook, before proceeding to such port: and if any master of a ship or vessel shall proceed to a port of delivery, contrary to the directions aforesaid, he shall forfeit and pay 500 dollars, to be recovered with costs of suit; that the master or commander of any ship or vessel, bound to any district in Connecticut, through or by the

way of Sandy-Hook, shall, before he pass by the port of New-York, and immediately after his arrival, deposit with the collector for the district of New-York, a true manifest of the cargo on board such ship or vessel; if bound to the district of Hudson, shall, before he pass by the port of New-York, and immediately after his arrival, deposit with the collector thereof a like manifest; if bound to the district of Burlington, shall, before he pass by the port of Philadelphia, and immediately after his arrival, deposit with the collector thereof a like manifest; if bound to the district of Nottingham shall, before he pass by the port of Town Creek, and immediately after his arrival, deposit with the surveyor of the said port a like manifest; if bound to the district of Tappan-hannock, shall, before he pass by the port of Urbanna, and immediately after his arrival, deposit with the surveyor of that port a like manifest; if bound to the district of Bermuda Hundred and City Point, shall on his arrival in Hampton Road, or at Sewell's Point, and immediately after such arrival, deposit with the collector of Norfolk and Portsmouth, or with the collector of the port of Hampton, a like manifest; and if bound to the district of South-Quay, shall, before he pass by the port of Edenton, and immediately after his arrival, deposit with the collector of the port of Edenton a like manifest; and the said collectors and surveyors respectively shall, after registering the manifests, transmit the same, duly certified to have been so deposited, to the officer with whom the entries are to be made; and the said collectors and surveyors respectively, may, whenever they judge it to be necessary for the security of the revenue, put an inspector of the customs on board any ship or vessel as aforesaid, to accompany the same until her arrival at the first port of entry or delivery, in the district to which such ship or vessel may be destined; and if the master or commander of any ship or vessel shall neglect or omit to deposit a manifest in manner aforesaid, or shall refuse to receive an inspector of the customs on board, as the case shall require, he shall forfeit and pay 500 dollars, to be recovered with costs of suit, one half for the use of the officer with whom such manifest ought to have been deposited, and the other half to the use of the collector of the district to which the said ship or vessel may be bound; *Provided*, That if the manifest shall, in either of the above cases, have been previously delivered to any officer of the customs, pursuant to the provisions hereinafter to be made in that behalf, the depositing of a manifest as aforesaid shall not be necessary. *ibid.*

§ 19.  
20. All officers and persons to be appointed pursuant to this act, before they enter upon the duties of their respective offices, shall severally take and subscribe an oath or affirmation, diligently and faithfully to execute the duties of their said offices respectively, which oath or affirmation shall be of the form and tenor following, to wit:

I (A. B.) having been appointed (collector or other officer as the case may be) of the (district or port of) do solemnly, sincerely



and truly (swear or affirm) that I will diligently and faithfully execute the duties of the said office of \_\_\_\_\_ and will use the best of my endeavours to prevent and detect frauds in relation to the duties imposed by the laws of the U. S. I further (swear or affirm) that I will support the constitution of the U. S. (Sworn or affirmed) and subscribed, this \_\_\_\_\_ day of \_\_\_\_\_ before me,

And the oath or affirmation aforesaid, if taken by a collector, may be taken before any magistrate authorized to administer oaths within the district to which he belongs; but if taken by another officer, shall be taken before the collector of his district; and being certified under the hand and seal of the person by whom the same shall have been administered, shall within 3 months thereafter be transmitted to the Comptroller of the Treasury, in default of taking of which oath, or transmitting a certificate thereof, the party failing shall forfeit and pay 200 dollars, to be recovered with cost of suit in any court of competent jurisdiction, to the use of the U. S. *ibid.* § 20.

21. The several officers of the customs shall respectively perform the duties following, to wit: At such of the ports to which there shall be appointed a collector, naval officer and surveyor, the collector shall receive all reports, manifests and documents to be made or exhibited on the entry of any ship or vessel, according to the regulations of this act; shall record, in books to be kept for that purpose, all manifests; shall receive the entries of all ships or vessels and of the goods, wares and merchandize imported in them, shall together with the naval officer where there is one, or alone where there is none, estimate the amount of the duties payable thereupon, indorsing the said amount upon the respective entries; shall receive all monies paid for duties, and take all bonds for securing the payment thereof; shall grant all permits for the unloading and delivery of goods; shall, with the approbation of the principal officer of the Treasury Department, employ proper persons as weighers, gaugers, measurers and inspectors, at the several ports within his district; and also, with the like approbation, provide, at the public expense, store-houses for the safe keeping of goods, and such scales, weights and measures, as may be necessary, the naval officer shall receive copies of all manifests and entries, and shall, together with the collector, estimate the duties on all goods, wares and merchandise subject to duty (and no duties shall be received without such estimate) and shall keep a separate record thereof, and shall countersign all permits, clearances, certificates, debentures and other documents, to be granted by the Collector; he shall also examine the collector's abstracts of duties, and other accounts of receipts, bonds and expenditures, and if found right, he shall certify the same.

The surveyor shall superintend and direct all inspectors, weighers, measurers and gaugers, within his port, and shall once every week report to the collector, the name or names of such inspectors, weighers, gaugers or measurers, as may be absent from or neglect

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to do their duty, shall visit or inspect the ships or vessels which arrive therein, and shall make a return in writing every morning to the collector, if any, at the port where he resides, of all vessels which shall have arrived from foreign ports or places the preceding day, specifying the names and denominations of the vessels, the masters' names, from whence arrived, whether laden or in ballast, whether belonging to the U. S. or to what other nation belonging, and if American vessels, whether the masters thereof have or have not complied with the law, in having the required number of manifests of the cargo on board, agreeing in substance with the provisions made necessary by this act, and shall have power, and is hereby required, to put on board each of such vessels, one or more inspectors, immediately after their arrival in his port; the surveyor shall also ascertain the proof, quantities and kinds of distilled spirits imported, rating such spirits according to their respective degrees of proof as defined by the laws imposing duties on spirits: he shall likewise examine and ascertain the quality, kind and quantity of all wines imported; also the quantity and kind of all teas and sugars imported; and shall grant certificates for the said spirits, wines and teas, and make returns thereof, in manner hereafter provided. He shall also examine whether the goods imported in any ship or vessel, and the deliveries thereof, agreeably to the inspector's returns thereof, correspond with the permits for landing the same; and if any error or disagreement appear, he shall report the same to the collector, and to the naval officer, if any there be. The surveyor shall also superintend the lading for exportation of all goods entered for the benefit of any drawback, bounty or allowance, and shall examine and report whether the kind, quantity and quality of the goods, so laden on board any vessel for exportation, correspond with the entries and permits granted therefor: he shall also from time to time, and particularly on the first Mondays in Jan. and July in each year, examine and try the weights, measures and other instruments, used in ascertaining the duties on imports, with standards to be provided by each collector at the public expence for that purpose, and where disagreements or errors are discovered, he shall report the same to the collector, and obey and execute such directions as he may receive for correcting thereof, agreeably to the standards aforesaid; and the said surveyor shall in all cases be subject to the direction of the collector. And at ports to which a collector and surveyor only are assigned, the said collector shall solely execute all the duties in which the co-operation of the naval officer is requisite, at the ports where a naval officer is appointed; which he shall also do in case of the disability or death of the naval officer, until a successor is appointed, unless there is a deputy duly authorized under the hand and seal of the naval officer, who in that case shall continue to act, until an appointment shall take place. And at the ports to which a collector only is assigned, such collector shall solely execute all the duties in which the co-operation of the naval officer is requisite as aforesaid, and shall also,

as far as may be, perform all the duties prescribed to the surveyors at the ports where such officers are established. And at the ports to which surveyors only are assigned, every such surveyor shall perform all the duties herein before enjoined upon surveyors; and shall also receive and record the copies of all manifests which shall be transmitted to him by the collector, shall record all permits granted by such collector, distinguishing the gauge, weight, measure, and quality of the goods specified therein, and shall take care that no goods be unladen or delivered from any ship or vessel, without a proper permit for that purpose. And at such ports of delivery only to which no surveyor is assigned, it shall be lawful for the collector of the district occasionally, and from time to time, to employ a proper person or persons to do the duties of a surveyor, who shall be entitled to the like compensation with inspectors during the time they shall be employed. And the said collectors, naval officers and surveyors, shall respectively attend in person at the ports to which they are respectively assigned; and shall keep fair and true accounts and records of all their transactions, as officers of the customs, in such manner and form as may from time to time be directed by the proper department, or officer having the superintendence of the collection of the revenue of the U. S. and shall at all times submit their books, papers and accounts, to the inspection of such persons as may be appointed for that purpose; and the said collector shall at all times pay to the order of the officer, who shall be authorized to direct the payment thereof, the whole of the monies which they may respectively receive by virtue of this act (such monies as they are otherwise by this act directed to pay only excepted) and shall, once in every 3 months, or oftener if they shall be required, transmit their accounts for settlement to the officer or officers whose duty it shall be to make such settlement; and if any collector, naval officer or surveyor, shall omit to keep fair and true accounts as aforesaid, or shall refuse to submit forthwith their books, papers and accounts to inspection as aforesaid; or if any collector shall omit or refuse to render his accounts for settlement, for a term exceeding 3 months after the same shall have been required by the proper officer in each and every such case the delinquent officer shall forfeit and pay, for the use of the U. S. 1000 dollars, to be recovered with costs of suit. *ibid.* § 21.

22. Every collector, naval officer and surveyor, in cases of occasional and necessary absence, or of sickness, and not otherwise, may respectively exercise and perform their several functions, powers and duties by deputy, duly constituted under their hands and seals respectively, for whom, in the execution of their trust, they shall respectively be answerable: That in case of the disability or death of a collector, the duties and authorities vested in him shall devolve on his deputy, if any there be at the time of such disability or death, for whose conduct the estate of such disabled or deceased collector shall be liable; and in defect of a deputy, the said authorities and duties shall devolve upon the naval officer of the

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same district, if any there be; and if there be no naval officer, upon the surveyor of the port appointed for the residence of such disabled or deceased collector, if any there be, and if none, upon the surveyor of the port nearest thereto and within the said district. And in every case of the disability or death of a surveyor, it shall be lawful for the collector of the district to nominate some fit person to perform his duties and exercise his authorities; and the authorities of the persons who may be empowered to act in the stead of those who may be disabled or dead, shall continue until successors shall be duly appointed, and ready to enter upon the execution of their respective offices, *ibid.* § 22.

23. No goods, wares or merchandise, shall be brought into the U. S. from any foreign port or place, in any ship or vessel, belonging in the whole or in part to a citizen or citizens, inhabitant or inhabitants of the U. S. unless the master, or person having the charge, or command of such ship or vessel, shall have on board a manifest or manifests in writing, signed by such master or other person, containing the name or names of the port or ports, place or places, where the goods in such manifest or manifests mentioned shall have been respectively taken on board, and the port or ports, place or places within the U. S. for which the same are respectively consigned or destined, particularly noting the goods, wares and merchandise destined for each port or place respectively, and the name, description and built of such ship or vessel, and the true admeasurement or tonnage thereof, the port or place to which such vessel belongs, with the name or names of each owner, according to the register of the same, together with the name of the master or other person having the charge or command of such ship or vessel, and a just and particular account of all the goods, wares and merchandise so laden or taken on board, whether in packages or stowed loose, of any kind or nature whatsoever together with the marks and numbers as marked on each package, and the number or quantity and description of the packages in words at length, whether league, pipe, butt, puncheon, hogshead, barrel, keg, case, bale, pack, truss, chest, box, band-box, bundle, parcel, cask or package, of any kind or sort, describing the same by its usual name or denomination; together with the name or names of the person or persons to whom the same are respectively consigned, agreeably to the bills of lading, signed for the same, unless when the said goods are consigned to order, when it shall be so expressed in the said manifest or manifests; together with the name or names of the several passengers on board the said ship or vessel, distinguishing whether cabin or steerage passengers, or both with their baggage, specifying the number and description of packages belonging to each respectively, together with an account of the remaining sea stores, if any; and the form of a manifest for goods and merchandise imported in a vessel of the U. S. shall be as follows, to wit:

Report and manifest of the cargo laden on board of the (here insert the denomination and name of the vessel) whereof (insert the master's name) is master, which cargo was taken on board at

(here insert the port or ports, place or places at which the cargo was laden) burthen tons, built at in the state of and owned by merchants at (inserting the tonnage, where built, by whom owned, and place or places of residence, as particularly detailed in the certificate of registry) as per register granted at (here insert the port or place) the (here insert the day of the month, and year when granted) and bound for (here insert the name of the port or place where bound to.)

Marks.	Number inclusive.	Packages and contents.	By whom shipped.	To whom consigned or if to order	Place of Consignee's residence.	Ports of destination.

#### Returned cargo.

(If any articles of the outward cargo are brought back, they are to be detailed, specifying by whom shipped outward, and to whom consigned inward.)

Return of passengers and of packages belonging to them respectively.

(Here insert the names of the passengers, and whether cabin or steerage passengers, with the description and number of packages containing their baggage, or the tools or implements of a merchantile trade.)

#### Vessels and cabin stores.

(Here detail what are remaining.)

And if merchandize shall be imported, destined to be delivered in different districts or ports, the quantities and packages so destined to be delivered, shall be inserted in successive order in the manifest as aforesaid; and all spirits, wines, and teas, constituting the whole or any part of the cargo of any vessel, shall also be inserted in successive order, distinguishing the ports to which the same may be destined, and the kinds, qualities and quantities thereof; and if merchandize shall be imported by citizens or inhabitants of the U. S. in vessels other than the U. S. the manifests shall be of the form, and shall contain the particulars aforesaid, except that said vessels shall be described in manner following, viz.

Report and manifest of the cargo laden on board the (here insert the denomination and name of the vessel and the port to which she belongs) whereof (here insert the master's name, and whether or not master during the voyage) burthen (here insert the nation where built) bound to (here insert the port or ports of destination) which cargo was taken on board at (here insert the port or ports where laden.) *ibid.* § 23

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24. If any goods, wares and merchandise shall be imported or brought into the U. S. in any ship or vessel whatever, belonging in the whole or in part to a citizen or citizens, inhabitant or inhabitants of the U. S. from any foreign port or place, without having a manifest or manifests on board, agreeable to the directions in the foregoing section, or which shall not be included or described therein, or shall not agree therewith; in every such case the master, or other person having the charge or command of such ship or vessel, shall forfeit and pay a sum of money equal to the value of such goods, not included in such manifest or manifests, and all such merchandise not included in the manifests, belonging or consigned to the master, mate, officers or crew of such ship or vessel, shall be forfeited. *Provided always.* That if it shall be made appear to the satisfaction of the collector, naval officer and surveyor, or to the major part of them, where those officers are established at any port, or to the satisfaction of the collector alone, where either of the other of the said officers are not established, or to the satisfaction of the court in which a trial shall be had concerning such forfeiture, that no part of the cargo of such ship or vessel had been unshipped, after it was taken on board, except such as shall have been particularly specified and accounted for, in the report of the master or other person having the charge or command of such ship or vessel, and that the manifests had been lost or mislaid, without fraud or collusion, or that the same was or were defaced by accident or incorrect by mistake, in every such case the forfeiture aforesaid shall not be incurred. *ibid.* § 24.

25. Every master or other person, having the charge or command of any ship or vessel, belonging in the whole or in part to a citizen or citizens, inhabitant or inhabitants of the U. S. laden with goods as aforesaid, and bound to any port or place in the U. S. shall on his arrival within 4 leagues of the coast thereof, or within any of the bays, harbours, ports, rivers, creeks or inlets thereof, upon demand, produce the manifest or manifests in writing, which such master or other person is required as aforesaid to have on board his said ship or vessel, to such officer or officers of the customs, as shall first come on board his said ship or vessel, for his or their inspection, and shall deliver to such officer or officers a true copy or copies thereof (which copy or copies shall be provided and subscribed by the said master or other person having the charge or command of such ship or vessel) and the officer or officers, to whom the original manifest or manifests shall have been so produced, shall respectively certify upon the back thereof, that the same was or were produced, and the day and year on which the same was or were so produced, and that such copy or copies as aforesaid, was or were to him or them delivered and by them examined with the original manifest; and shall likewise certify upon the back of such copy or copies the day and year on which the same was or were delivered, and shall forthwith transmit such copy or copies to the respective collectors of the several districts, to which the goods by such manifest or manifests shall appear respec-



tively to be consigned ; and that the said master, or other person, so having the charge or command of any such ship or vessel, shall in like manner produce to the officer or officers of the customs who shall first come on board such ship or vessel, upon her arrival within the limits of any district of the U. S. in which the cargo, or any part thereof, is intended to be discharged or landed for his or their inspection, such manifest or manifests as aforesaid ; and shall also deliver to him or them a true copy or copies thereof (such copy or copies also to be provided and subscribed by the said master or other person having the charge or command of such ship or vessel) the production of which said manifest or manifests, and the delivery of which said copy or copies thereof, shall also be certified by the said officer or officers of the customs, who shall so first come on board the said ship or vessel, on her arrival within the limits of any such district, upon the back of the said original manifest or manifests, with the particular day and year when such manifest or manifests was or were produced to such officer or officers, and when he or they so received the said copy or copies thereof ; and such officer or officers is and are hereby required forthwith to transmit, or cause to be transmitted, the said copy or copies of the said manifest or manifests to the collector of that district ; and the said master, or person having the charge or command of the said ship or vessel, shall afterwards produce and deliver the said original manifest or manifests so certified to the said collector ; and when any manifest shall be produced, upon which there shall be no certificate from any officer of the customs as before mentioned, the master or commander producing the same shall be required to make oath or affirmation, that no officer has applied for, and that no endorsement has taken place on any manifest of the cargo of such vessel. *Provided always*, That nothing herein contained shall be construed to require of such master, or other person having the charge or command of such ship or vessel the delivery of more than one copy of each manifest to the officer or officers aforesaid, who shall first come on board of such ship or vessel, within 4 leagues of the coast of the U. S. aforesaid, and one other copy to such officer or officers as shall first come on board within the limits of any district, for which the cargo of such ship or vessel or some part thereof, shall be consigned or destined, or shall be construed to require the delivery of any such copy to any other officer : but it shall be sufficient in respect to any such other officer, to produce and shew to him the said original manifest or manifests, and the certificate or certificates thereupon : and the form of the certificate aforesaid, to be endorsed on an original manifest, shall be as follows, to wit :

I (A. B.) certify that the within manifest was this day produced to me as the original manifest of the cargo on board the (insert the denomination and name of the vessel) whereof (insert the name) is master, from (insert the port last from.) In witness whereof I have hereunto signed my name, this      day of

And the form of the certificate aforesaid, to be endorsed on the copy of a manifest, shall be as follows, to wit:

(A. B.) certify that I have examined the within manifest, produced to me this day as a copy of the original manifest of the cargo on board the (insert the denomination and name of the vessel) whereof (insert the name) is master, from (insert the port last from) with the original, and find the same to agree. In witness whereof I have hereunto signed my name, this            day of.

*ibid.* § 25.

26. If the master or other person having the charge or command of any ship or vessel, laden as aforesaid, and bound to any port or place in the U. S. shall not upon his arrival within four leagues of the coast thereof, or within the limits of any district thereof, where the cargo of such ship or vessel, or any part thereof, is intended to be discharged, produce such manifest or manifests as are heretofore required, in writing, to the proper officer or officers upon demand thereof, and also deliver such copy or copies thereof as aforesaid, according to the directions of this act, in each case, or shall not give an account of the true destination of such ship or vessel, which he is hereby required to do, upon request of such officer or officers, or shall give a false account of such destination, in order to evade the production of the said manifest or manifests, the said master or other person having the charge or command of such ship or vessel, shall forfeit, for every such neglect, refusal, or offence, a sum not exceeding 500 dollars; and if such officer or officers first coming on board, in each case, within the distance or limits aforesaid, shall neglect or refuse to certify on the back of such manifest or manifests, the production thereof, and the delivery of such copy or copies respectively, as are herein before directed to be delivered to such officer or officers; every such officer so neglecting or refusing shall forfeit and pay the sum of 500 dollars. And the officer or officers who may apply to the master or person having the charge or command of any such ship or vessel, respecting any of the provisions in this and the foregoing sections, and who shall not receive full satisfaction therein, are hereby required to make a return in writing of the name of the vessel and master so offending, in any or all of the particulars required, immediately, or as soon after as possible, to the collector of the district to which such ship or vessel shall be considered to be bound *ibid.* § 26.

27. If after the arrival of any ship or vessel, so laden with goods as aforesaid, and bound to the U. S. within the limits of any of the districts of the U. S. or within 4 leagues of the coast thereof, any part of the cargo of such ship or vessel shall be unladen for any purpose whatever, from out of such ship or vessel as aforesaid, before such ship or vessel shall come to the proper place for the discharge of her cargo, or some part thereof, and shall be there duly authorised by the proper officer or officers of the customs to unlade the same, the master or other person having the charge or command of such ship or vessel, and the mate, or other person next

in command, shall respectively forfeit and pay the sum of 1000 dollars, for each such offence, and the goods, wares and merchandise, so unladen and unshipped, shall be forfeited and lost, except in the case of some unavoidable accident, necessity or distress of weather; of which unavoidable accident, necessity or distress, the master, or other person having the charge or command of such ship or vessel, shall give notice to, and together with 2 or more of the officers or mariners (of which the mate or other person next in command shall be one) on board such ship or vessel, shall make proof upon oath before the collector, or other chief officer of the customs of the district within the limits of which such accident, necessity or distress shall happen, or before the collector or other chief officer of the first district of the U. S. within the limits of which such ship or vessel shall afterwards arrive, if the said accident, necessity or distress shall have happened not within the limits of any district, but within 4 leagues of the coast of the U. S. which oath the said collector, or other chief officer, is hereby authorized and required to administer. *ibid.* § 27.

28. If any goods, wares and merchandise, so unladen from on board any such ship or vessel, shall be put or received into any other ship, vessel, or boat, except in the case of such accident, necessity or distress as aforesaid, to be notified and proved as aforesaid, the said master or other person having the charge or command of any such ship, vessel or boat, into which the said goods, wares or merchandise, shall be so put and received, and every other person aiding and assisting therein, shall forfeit and pay treble the value of the said goods, wares or merchandise, and the ship, boat or vessel, in which they shall be so put, shall be forfeited and lost. *ibid.* § 28,

29. If any ship or vessel which shall have arrived within the limits of any district of the U. S. from any foreign port or place, shall depart, or attempt to depart from the same, unless to proceed on her way to some more interior district to which she may be bound, before report or entry shall have been made by the master or other person having the charge or command of such ship or vessel, with the collector of some district of the U. S. the said master or other person having such charge or command, shall forfeit and pay 400 dollars; and it shall be lawful for any collector, naval officer, surveyor, or commander of any of the cutters herein after mentioned, to arrest and bring back, or cause to be arrested and brought back, such ship or vessel, to such port of the U. S. to which it may be most conveniently done. *Provided*, That if it shall be made to appear by the oath of the said master, or other person having the charge or command of such ship or vessel, and of the person next in command, or other sufficient proof to the satisfaction of the collector of the district, within which such ship or vessel shall afterwards come, or to the satisfaction of the court in which the prosecution for such penalty may be had, that the said departure or attempt to depart, was occasioned by distress of weather,



pursuit or duress of enemies, or other necessity, the said penalty shall not be incurred. *ibid.* § 29.

30. Within 24 hours after the arrival of any ship or vessel, from any foreign port or place, at any port of the U. S. established by law, at which an officer of the customs resides, or within any harbour, inlet or creek thereof, if the hours of business at the office of the chief officer of the customs at such port will permit, or as soon thereafter as the said hours will permit, the master or other person having the charge or command of such ship or vessel shall repair to the said office, and shall make report to the said chief officer, of the arrival of the said ship or vessel; and within 48 hours after such arrival, shall make a further report in writing, to the collector of the district, which report shall be in the form, and shall contain all the particulars required to be inserted in a manifest, as the case may be; and the said master, or person having the charge or command of any such ship or vessel, shall declare to the truth of such report or manifest, as the same ought to be in conformity to this act, which declaration shall be on oath or solemn affirmation, before the said collector of the district, in the manner and form following, to wit:

I (A. B.) do solemnly, sincerely and truly swear (or affirm) that the report and manifest subscribed with my name, and now delivered by me to the collector of the district of (insert the name of the district) contains, to the best of my knowledge and belief, a just and true account of all the goods, wares and merchandise, including packages of every kind and nature whatsoever, which were on board the (insert the denomination and name of the vessel) at the time of her sailing from the port of (here insert the name of the port or place the vessel last sailed from) or which have been laden or taken on board at any time since, and that the packages of the said goods are as particularly described as in the bills of lading, signed for the same by me, or with my knowledge; that I am at present, and have been during the voyage, master of the said vessel, (or insert, if otherwise, specifying how long he has been master) that no package whatsoever or any goods, wares or merchandise have been unladen, landed, taken out, or in any manner whatever removed from on board the said (insert denomination and name of the vessel) since her departure from the said port of (insert the name of the last port she sailed from) except such as are now particularly specified and declared in the abstract or account herewith, and that the clearance and other papers, now delivered by me to the collector, are all that I now have, or have had, that any way relate to the cargo of the said vessel.— And I do further swear (or affirm) that the several articles specified in the said manifest, as the sea stores for the cabin and vessel, are truly such, and were bona fide put on board the said (insert the denomination and name of the vessel) for the use of the officers, crew and passengers thereof, and have none of them been brought, and are not intended, by way of merchandise, or for sale, or for any other purpose, than above mentioned, and are intended to

remain on board for the consumption of the said officers and crew ; I further swear (or affirm) that if I shall hereafter discover, or know of any other or greater quantity of goods, wares and merchandise of any nature or kind whatsoever, than are contained in the report and manifest, subscribed and now delivered by me, I will immediately and without delay, make due report thereof to the collector of the port or district of (here insert the port or district entering at) and I do likewise swear (or affirm) that all matters whatsoever in the said report and manifest expressed, are to the best of my knowledge and belief just and true. (The following addition to the oath or affirmation is to be inserted in cases where the manifests shall not have been certified by some officer of the customs in manner provided.) I further swear (or affirm) that no officer of the customs has applied for an inspection of the manifest of the cargo on board the said vessel, and that no certificate or endorsement has been delivered to me on any manifest of such cargo. So help me God. (Signed) A. B.

Sworn (or affirmed) before me }  
 this            day of }

C. D. Collector.

And the master, or other person having the charge or command of any ship or vessel, having on board distilled spirits, wines or teas, shall within 48 hours after his arrival as aforesaid, whether the same be at the first port of arrival of such ship or vessel, or not, shall, in addition to the requirements before mentioned, report in writing to the surveyor or officer acting as inspector of the revenue of the port, at which he shall so arrive, the foreign port or place from which he last sailed, the name of his vessel, his own name, the burthen and denomination of such ship or vessel, and whether a ship or vessel of the U. S. or to what other nation belonging, together with the quantity, and kinds of spirits, wines and teas on board of the said ship or vessel, particularizing the number of casks, vessels, cases or other packages containing the same, with their marks and numbers, as also the quantity and kinds of spirits, wines and teas on board such ship or vessel, as sea stores, on pain of forfeiting and paying 500 dollars, and of the loss of the spirits so omitted ; and the form of said report shall be as follows, to wit :

Report of distilled spirits, wines and teas, imported in the (here insert the name and denomination of the vessel) built in (here insert where built in the U. S. or to what foreign nation belonging) burthen (here insert the tonnage of the vessel) whereof (here insert the name of the master) from (here insert the foreign port, from which the vessel last sailed) bound to (here insert the port or ports to which destined in the U. S.)

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Marks.	Numbers of casks, chests and packages inclusive.	Description of casks, chests and packages inclusive.	Kinds and qualities of spirits, wines and teas.	Estimated gallons of spirits, of each kind.	Estimated gallons of wines, of each kind.	Estimated pounds of teas of each kind.	To whom consigned.	Where consigned.

Sea stores consisting of spirits, wines and teas.

(Here insert the quantities particularly.)

(Signed)

A. B. master of

To

Inspector of the revenue  
for the port of

And if the said master, or other person having the charge or command of any such ship or vessel, shall neglect, or omit to make the said reports, or either of them (other than that required to be made to the surveyor, inspector of the revenue aforesaid) and the declaration or declarations, or to take the said oath as required, or shall not fully comply with the true intent and meaning of this § as the case may be, he shall for each and every offence, forfeit and pay 1000 dollars. *ibid.* § 30.

31. It shall not be necessary for the master, or person having the charge or command of any ship or vessel of war, or of any ship or vessel employed by any prince, or state, as a public packet for the conveyance of letters and dispatches, and not permitted by the laws of such prince or state, to be employed in the transportation of goods, wares, or merchandise, in the way of trade, to make such report and entry as aforesaid. *ibid.* § 31.

32. It shall be lawful for any ship or vessel to proceed with any goods, wares, or merchandise, brought in her, and which shall, in the manifest first delivered to any officer receiving the same, be reported as destined, or intended for any foreign port or place, from the district within which such ship or vessel shall first arrive, to such foreign port or place, without paying or securing the payment of any duties upon such of the said goods, wares, or merchandise as shall be actually re-exported in the said ship or vessel accordingly. But the said master, or person having the charge or command of the said ship or vessel, shall first give bond, with one or more sureties, in a sum equal to the amount of the duties upon the said goods, wares, or merchandise, as the same shall be esti-



mated by the collector and naval officer of the port, where the said report shall be made, to the satisfaction of the said collector, with condition that the said goods, wares, or merchandise, or any part thereof, shall not be laden within the U. S. unless due entry thereof shall have been first made, and the duties thereupon paid, or secured to be paid, according to law; which bonds shall be taken for the same periods, and cancelled in like manner, as bonds hereinafter directed to be given for obtaining drawbacks of duties; And the form of the said bonds shall be as follows, to wit:

Know all men, by these presents, That we (here insert the name of the master of the vessel, and the name or names of the sureties) are held and firmly bound unto the United States of America, in the sum of \_\_\_\_\_ to be paid to the said United States; for which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents; Sealed with our seals, dated this day of \_\_\_\_\_ in the year of the independence of the United States, and in the year of our Lord one thousand \_\_\_\_\_

Whereas the following described packages of goods, wares, and merchandise, (here insert the marks, numbers, denomination, and number of packages, and contents, as far as may be, and if articles in bulk, the quantity and quality) imported into the district of \_\_\_\_\_ in the (insert the denomination and name of vessel) whereof (insert name) is master, from (insert port or place where from) on the (insert date of vessel's entry) as per report and manifest then delivered by the said master, are now about to be exported and conveyed in the said (insert denomination and name of vessel) to the port of (insert name of the port intended for) and whereas the duties that would have become due on the said goods, wares, and merchandise, had the same been unladen here and not so exported, would have amounted to the aforesaid sum of \_\_\_\_\_

Now therefore, the condition of this obligation is such, That if the above bounden \_\_\_\_\_ shall and do within \_\_\_\_\_ months from the date hereof, produce to the collector of this district, the certificates required by law, that the said enumerated (packages of merchandise, or articles in bulk as the case may be,) have been exported to and landed at the aforesaid port of \_\_\_\_\_ or at any other port or place without the limits of the United States, or if neither the whole, nor any part of the said goods, wares and merchandise, shall be landed within the limits of the said United States, until due entry thereof shall have been first made, and the duties thereon paid or secured to be paid according to law, then the above obligation to be void, otherwise to be, and remain in full force and virtue.

Sealed and delivered }  
in the presence of }

*Provided nevertheless,* That such bond shall not be required in respect to the goods on board of any ship or vessel which shall have put into the U. S. from necessity, to be made to appear in manner herein after prescribed; And the collector receiving such

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bonds, or any other bonds taken upon the exportation of merchandise entitled to drawback, is hereby required and enjoined, immediately after the time when by the conditions of the same, they ought to be cancelled, to put the same in suit; provided the necessary proof shall not have been produced, or further time granted therefor by the Comptroller of the Treasury. *ibid.* § 32.

33. It shall be lawful for any ship or vessel in which any goods, wares or merchandise shall be brought into the U. S. from any foreign port or place, and which shall be specified in the manifest, verified on oath or affirmation, before the collector of the port in which such ship or vessel shall first arrive, to be destined for other districts, to proceed with the same from district to district within the U. S. in order to the landing, or delivery thereof, and the duties on such of the said goods only as shall be landed in any district, shall be paid or secured to be paid within such district. *ibid.* § 33.

34. Before any ship or vessel shall depart from the district in which she shall first arrive for another district (provided such departure be not within 48 hours after her arrival within such district) with goods, wares or merchandise, brought in such ship or vessel from a foreign port or place, the duties whereof shall not have been paid or secured, the master or person having the charge or command of such ship or vessel, shall obtain from the collector of the district from which she shall be about to depart (who is hereby required to grant the same) a copy of the report and manifest made by such master, or other person having the charge or command of such ship or vessel, certified by the said collector, to which copy shall be annexed a certificate of the quantity and particulars of the goods which shall appear to him to have been landed within his district, or of the quantity and particulars of the goods which remain on board and upon which the duties are to be paid, or secured to be paid, in some other district.

The form of which certificate shall be as follows :

District of

Port of

These are to certify, that the within is a true copy of the report and manifest of the cargo of the (insert the denomination and name of the vessel) whereof (insert the name) is master from (insert the port where from) entered at this port the (insert the day and month of entry) as exhibited on [oath or affirmation] by the said master: That no part of the said cargo as expressed in such manifest, hath been unladen or landed at this port: [or as the case may require] That there hath been unladen and landed at this port, and the duties paid or secured to be paid on the following articles, (or) That all the said cargo as expressed in the said manifest hath been duly entered and landed in this district according to law, except the following articles (here enumerate the marks, numbers, packages and contents, or if articles in bulk, the quantities, whether landed or remaining on board, as the case may require) and that bond hath here been entered as the law

directs for the delivery of the (insert the whole or remaining part, as the case may require) of the said cargo, at the (insert the port and district of destination.)

Witness our hands and seals. this

day of

A. B. Collector.

C. D. N. Offi.

And within 24 hours after the arrival of such ship or vessel within any other district, the said master, or person having the charge or command of such ship or vessel, shall make report or entry, to or with the collector of such other district, producing and shewing the said certified copy of his said first report, together with a certificate from each collector of any other district, within which any of the goods, wares, or merchandise, brought in such ship or vessel, shall have been before landed; of the quantity and particulars of such goods, wares, or merchandise, as shall have been so landed in each district respectively; except in the state of Georgia, where such report shall be made within 48 hours; *Provided*, That the master or person having the charge or command of the said ship or vessel, shall first give bond, with one or more sureties, to the satisfaction of the collector of the district within which the said ship or vessel shall first arrive, in a sum equal to the amount of the duties on the residue of the said goods, according to such estimate as the said collector shall form thereof, with condition, that the said residue of such goods shall be duly entered and delivered in such other district, or districts of the U. S. for which the same shall have been reported to be destined.

And the form of the said bond shall be as follows:—

Know all men by these presents, that we (here insert the name of the master of the vessel, and the name or names of the sureties) are held and firmly bound unto the U. S. of America, in the sum of to be paid to the said U. S. for which payment well and truly to be made, we bind ourselves, our heirs, executors, and administrators, jointly and severally, firmly by these presents; Sealed with our seals; dated this day of in the year of the independence of the said U. S. and in the year of our Lord one thousand

Whereas the following goods, wares, and merchandise (here insert the marks, number, denomination and number of packages and contents, as far as may be, or if articles in bulk, the quantity and quality) imported into the district of in the (insert the denomination and name of vessel) whereof (insert name) is master, from (insert name of port, &c.) on the [insert date of vessel's entry] as per report and manifest then delivered by the said master; are now intended to be exported and conveyed in the said [insert the denomination and name of the vessel] to the district of [insert the district or districts where intended to be sent] and whereas the duties that would have become due on the said goods, wares, and merchandise, had the same been unladen would have amounted to the aforesaid sum of

Now therefore the condition of this obligation is such, that if



the above bounden shall and do within six months from the date hereof, produce to the collector of this district the certificates required by law, that the said enumerated [packages of merchandise, or articles in bulk as the case may be,] have been duly entered and delivered at the aforesaid district of or any other port or district of the U. S. then the above obligation to be void, otherwise to be and remain in full force and virtue.

Sealed and delivered }  
in the presence of }

And the said bond shall be cancelled or discharged within 6 calendar months from the date thereof, by the production of a certificate or certificates from the collector or collectors of the district or districts for which the said goods shall have been reported, testifying the due entry and delivery of the said goods, in such district or districts, or upon due proof to the satisfaction of the collector by whom the said bond shall have been taken, and to the naval officer of such port [if any] that such entry and delivery were prevented by some unavoidable accident or casualty, and that if the whole, or any part of the said goods, shall not have been lost, that the same have been duly entered and delivered within the U. S.

And the form of the certificate aforesaid shall be as follows:—

District of

Port of

These are to certify, that there have been unladen and landed at this port, from on board the (insert the denomination and name of the vessel) whereof [insert the name] is master from [insert district and port where from] the following packages of merchandise [here detail the several packages with their respective denominations, their marks and numbers, and if any articles in bulk, the quantities delivered] for which the duties have been [paid or secured] at the aforesaid port of [insert the port.] Witness our hands and seals this day of

A. B. Collector.

C. D. N. Officer.

And if the master, or other person having the charge or command of any such ship or vessel, shall fail by his neglect or fault to obtain the said copy of his said report, from the collector of the district from which he shall be so about to depart, or of any certificate which he ought to obtain as aforesaid, or shall neglect to produce and shew the same to the collector of any other district, to which the said ship or vessel shall afterwards proceed within the time for that purpose herein before specified, he shall forfeit and pay, for every such neglect or omission, 500 dollars. *ibid.* § 34.

35. In addition to the provisions and requirements aforesaid, it shall be the duty of each and every master, or other person having the charge or command of any ship or vessel, arriving from any foreign port or place, having on board distilled spirits, wines, or teas, other than sea stores, intended to be transported from one port in the U. S. to another port in the said U. S. whether

in the same or in different districts, previous to the departure of such ship or vessel from the port at which she shall first arrive, to apply to the surveyor or officer acting as inspector of the revenue for the port, for a certificate of the quantity and particulars of such spirits, wines, or teas, as shall have been certified, or reported to him to have been imported in such ship or vessel, and of the quantity and particulars of such spirits, wines, or teas, as shall appear to have been landed out of such ship at such port; which certificate the surveyor or inspector of the revenue shall forthwith grant, and the master or person having the charge or command of such ship or vessel, shall, within 24 hours after her arrival at the port to which she shall be bound, deliver the said certificate to the surveyor, or person acting as inspector of the revenue of such last mentioned port; and if such ship or vessel shall proceed from 1 port to another within the U. S. with the whole or any part of the spirits, wines or teas brought in her as aforesaid, without having first obtained such certificate, or if within 24 hours after her arrival at such other port, the said certificate shall not be delivered to the surveyor or inspector as aforesaid, the master or person having the charge or command of the said ship or vessel shall, in either case, forfeit 500 dollars, and the spirits, wines or teas on board her shall be forfeited and may be seized.

And the form of the said certificate shall be as follow:—

District of

Office of Inspection for the  
Port of

I certify that the within is a true copy of the report made to me of distilled spirits, wines and teas imported in the (insert the name and denomination of the vessel) built in (here insert where built in the U. S. or to what foreign nation belonging) burthen (here insert the tonnage of the vessel) whereof (here insert the name of the master) from [here insert the foreign port from which the vessel last sailed] bound to [here insert the port or ports to which destined in the U. S.] That no part of the said spirits, wines or teas hath been unladen or landed at this port [or as the case may require.] That there have been landed at this port in pursuance of permits for that purpose, the following quantities, to wit; [here insert the marks, number, description of packages, casks, chests, kinds and quantities of all spirits, wines and teas landed at the port of inspection, agreeably to the form prescribed for the report] and no other or greater quantities than are above expressed, [or] That all the said spirits, wines and teas have been duly landed in this district, except the following, the duties whereof are to be paid or secured to be paid in the district of [insert the district of destination and enumerate the marks, numbers, description of casks, chests or other packages, kinds and quantities of all spirits, wines and teas, which remain on board.]

Witness my hand the day and year aforesaid,

A. B. Inspector of the revenue  
for the Port of

And each and every surveyor, or officer acting as inspector of the revenue, for any port at which a ship or vessel may arrive with a certificate as aforesaid, shall certify in manner aforesaid all deliveries of spirits, wines or teas, made at their respective ports, which certificate shall be annexed to the certificate granted at the port of original importation. *ibid.* § 35.

36. The owner or owners, consignee or consignees of any goods, wares or merchandise, on board of any such ship or vessel, or in case of his, her or their absence or sickness, his, her or their known agent or factor, in his, her or their names, within 15 days after the report of the master, or person having the charge or command of such ship or vessel, to the collector of the district for which such goods, wares or merchandise shall be destined, shall make entry thereof in writing with the said collector, and shall in such entry specify the vessel and master's names in which, and the port or place from whence such goods, wares or merchandise were imported, the particular marks, numbers, denomination and prime cost, including charges of each particular package or parcel whereof the entry shall consist, or if in bulk, the quantity, quality and prime cost, including charges thereof, particularly specifying the species of money in which the invoices thereof are made out; and shall also produce to the said collector and naval offices [if any] the original invoice or invoices of the said goods, wares or merchandise, or other documents received in lieu thereof, or concerning the same, in the same state in which they were received, with the bill or bills of loading for the same; which invoices shall be signed by the persons in the offices of the collector and naval officer, who shall have compared and examined the same; and the said entry or entries shall, as the nature of the case will admit or require, be agreeably to the form following, to wit:

Entry of Merchandise imported by (insert the name of the importer or consignee) in the (insert the name and denomination of the vessel, and master's name) from (insert the place from which arrived) (insert date of entry.)

Marks.	
Numbers inclusive.	
Packages and contents.	
Quantity per invoice of articles not subject to specific duties.	
Value of articles subject to specific duties.	
Value subject to 10 per cent ad valorem.	
Value subject to 12 1-2 per cent ad valorem.	
Value subject to 15 per cent ad valorem.	
Value subject to 20 per cent ad valorem.	
Value subject to 40 per cent ad valorem.	
Amount of free goods.	
Charges not subject to duty.	
Total amount per invoice.	



*Provided*, That the form before mentioned shall and may be varied and adapted to any alterations which may be made in the rates of duties upon goods, wares and merchandise, hereafter to be imported into the U. S. And the entry or entries to be made by any importer, consignee or agent as aforesaid, shall be varied by the oath or affirmation of the person making the same, the form of which oath or affirmation shall, as the case may require, be as follows, to wit :

District of

Port of

I [here insert the name of the person making the entry] do solemnly, sincerely and truly swear [or affirm] that the entry now subscribed with my name, and delivered by me to the collector of [insert the name of the district] contains a just and true account of all the goods, wares and merchandise imported for sale, or intended to be laden in this district, for me or on my account, or on account of any house of trade or partnership in which I am concerned, in this district, or which actually came consigned to me, or to any house of trade or partnership in which I am concerned, or [if the entry be made by an agent] imported by, or consigned to [insert the name of the person or firm for whom entry is made] and intended for sale or to be landed in this district, in the [insert the name and denomination of the vessel] whereof [insert the name of the master] is master, from [insert the name of the port from which the vessel arrived] that the said entry contains a just and true account in [insert the denomination of money in which the invoices and entry are made] of the cost thereof, including all charges ; that the invoice or invoices and bill or bills of lading now produced by me, are the true, genuine and only invoices and bills of lading by me received, of the said goods, wares and merchandise imported or consigned as aforesaid, and the only invoices by which I have been charged, or for which I am to account, and that the said invoices and bills of lading are in the actual state in which they were received by me, and that I do not know of any other invoices or account of the said goods, wares or merchandise, different from what is or are here produced : I do further swear (or affirm) that if I hereafter discover any other or greater quantity of goods, wares or merchandise, than is contained in the entry aforesaid, or shall receive any invoice of the whole or any part thereof, other in quantity, quality and price than has been now exhibited, I will immediately and without delay report the same to the collector of this district : I also swear (or affirm) that nothing has been concealed or suppressed in the entry aforesaid, whereby to avoid the just payment of the duties imposed by the laws of the United States, and that all matters are justly and truly expressed therein, according to my best knowledge and belief. So help me God.

Sworn (or affirmed) this                      day of  
before A. B. Collector.

*Provided*, That whenever any entry shall be made with the col-

lector of any district, of merchandise imported into the U. S. subject to duty, by any agent, factor, or person, other than the person to whom they belong, or to whom they are ultimately consigned, it shall be the duty of the collector to take a bond with surety from such agent, factor or person [other than the bond or for securing the duties, in the penal sum of 1000 dollars] with condition that the bona fide owner or consignee of such goods, wares or merchandise, shall, on or before the 1st day of payment stipulated in the bond or bonds for securing the duties, deliver, or cause to be delivered to the said collector, a full and correct account of the said goods, wares and merchandise imported by him, or for him on his own account, or consigned to his care, in the same manner and form as required by this § in respect to an entry previous to the landing of any merchandise, which account shall be verified as in the case of an entry, by a like oath or affirmation, to be taken & subscribed before any judge of the U. S. or the judge of any court of record of a state, or before a collector of the customs of the same or some other district; and in case of the payment of the duties, at the time of entry, by any factor or agent, on the goods, wares or merchandise entered by him, the condition of the bond aforesaid shall be to produce the account of the proper owner, or consignee, verified in manner as before directed, within 90 days from the date of such bond.

And the form of the said bond shall be as follows, to wit:

Know all men by these presents, that we (here insert the names of the principal surety or sureties) are held and firmly bound unto the United States of America, in the sum of one thousand dollars, for the payment of which well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, by these presents.

Witness our hands and seals this      day of      one thousand seven hundred and ninety

Whereas the above bounden      has this day duly entered at the custom house of      and (paid or secured to be paid, as the case may be) the duties on sundry goods, wares and merchandise imported in the (insert the denomination and name of the vessel) whereof (insert name) is master, from (insert port or place where from) as particularly enumerated in the entry thereof made and subscribed by the said      in behalf of (insert the name or names of the person or persons, actual owners, or consignees) bearing equal date herewith.

The condition of this obligation therefore is such, that if the said bounden      shall, on or before the      deliver or cause to be delivered to the collector of the customs for the district of (insert name of the district where the bond is taken) a full and correct account from the said (insert name of the actual owner or consignee) of the aforesaid merchandise imported by him on his own account, or consigned to his care, verified by the oath of the said      being the proper owner or consignee, in manner and form as would be required if he were personally pre-

sent, taken before any judge of the United States, or of a court of record of a state, or before the collector of any other district, then this obligation shall be null and void, otherwise it shall be and remain in full force and virtue.

Sealed and delivered }  
in the presence of }

*Provided always*, That where the particulars of any goods, wares or merchandise shall be unknown, in lieu of the entry herein before directed to be made, an entry thereof shall be made and received according to the circumstances of the case, the party making the same, declaring upon oath all that he or she knows or believes concerning the quality and particulars of the said goods, wares and merchandise, and that he or she hath no other knowledge or information concerning the same; which entry, as well the 1st as the last, shall be made in writing, and shall be subscribed by the party making the same, if by the proper owner or consignee, in their own name, or if by an agent, factor or person other than such owner or consignee, in his or their names, as agents or factors for such owner or consignee: *Provided*, That in every case in which the entry of any goods, wares or merchandise shall be imperfect, for want of invoices, bills of lading, or for any other cause, it shall be the duty of the collector to take the said goods, wares and merchandise into his custody, until the quantity, quality or value thereof, as the case may require, can be ascertained in manner hereafter directed and prescribed. *ibid.* § 36.

37. Every importer of distilled spirits, wines or teas, or person to whom distilled spirits, wines or teas are consigned, shall make a separate and additional entry thereof, specifying the name of the vessel, and master, in which, and the place from whence, such spirits, wines or teas were imported, together with the quantity and quality thereof, and a particular detail of the chests, casks, or vessels containing the same, with their marks and numbers, which entry shall be subscribed by the person making the same, for himself, or in behalf of the person for whom such entry is made; and shall be certified by the collector, before whom the same is made, as being a true copy, and conformable to the general entry before directed, in respect to all distilled spirits, wines and teas therein contained; which entry thus certified shall be transmitted to the surveyor or officer acting as inspector of the revenue for the port, where it is intended to commence the delivery of such spirits, wines or teas so entered, or any part thereof: And every permit granted by such collector and naval officer, where any, for the unloading of said spirits, wines or teas, or any part thereof, shall, previous to such landing or unloading thereof, be produced to the said officer of inspection, who shall record or register in proper books the contents thereof, and shall endorse thereupon the word, "*Inspected*," the time when, and his own name; after which he shall return the said permit to the person by whom it shall have been produced, and then, and not otherwise, it shall be lawful to land the spirits, wines or teas therein specified; and if the

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said spirits, wines or teas shall be landed without such endorsement upon the permit granted for that purpose, the master, or other person having the charge or command of the ship or vessel from which the same shall have been so landed, shall for every such offence forfeit and pay 500 dollars, and the spirits, wines or teas so landed shall be forfeited. *ibid.* § 37.

38. All distilled spirits, wines and teas shall be landed under the inspection of the surveyor, or other officer acting as inspector of the revenue for the port, and such of the inspectors of the customs as shall be deputed by him for that purpose, and not otherwise, on pain of forfeiture thereof, for which purpose the said officer or officers shall at all reasonable times attend; *Provided*, That this shall not be construed to exclude the inspection of any officer of the customs, as now or heretofore practised. *ibid.* § 38.

39. The officers of inspection of any port where distilled spirits, wines or teas shall be landed, shall, upon the landing thereof, and as soon as the casks, chests, vessels and cases, containing the same, shall be inspected, gauged or measured, brand or otherwise mark in durable characters, the several casks, chests, vessels and cases containing the same, and the said marks shall express the number of casks, chests, vessels or cases, whether of spirits, wines or teas, marked by each officer respectively, in each year, in progressive numbers for each of the said articles; also the port of importation, the name of the vessel, and the surname of the master; also each kind of spirits, wines or teas, for which different rates of duty are or shall be imposed, the number of gallons in each cask or case, if spirits or wines; the rate of proof if spirits, and the number of pounds weight if teas; also the name of the surveyor or chief officer of inspection for the port, and the date of importation; of all which particulars the chief officers of inspection shall keep fair and correct accounts, in books to be provided for that purpose. *ibid.* § 39.

40. The surveyor or chief officer of inspection as aforesaid, within the port or district in which the said spirits, wines or teas shall be landed, shall give to the proprietor, importer or consignee thereof, or his or her agent, a certificate, to remain with him or her, of the whole quantity of the said spirits, wines or teas, which shall have been so landed; which certificate, besides the quantity, shall specify the name of such proprietor, importer, consignee or agent, and of the vessel from on board which the said spirits, wines or teas shall have been landed, and of the marks of each cask, chest, vessel or case containing the same; which certificate shall be of the form following, to wit:

District of  
Inspector's Office, No.  
Port of

I certify, that [here insert the name of the proprietor, importer or consignee] imported into this district on the [here insert the date of importation] in the (here insert the name of the vessel, and whether of the U. S. or foreign, and the name of the master)

from [here insert the place from which imported, the number of, and whether casks, chests, vessels or cases] of [here insert whether spirits, wines or teas, and the kind of each] marked as per margin [insert in the margin the marks and numbers, if any, at the time of importation] which [here insert whether casks, chests, vessels or cases] have been marked as follows [here insert the marks of the the inspector of the port] containing [here insert the quantity of spirits, wines or teas] according to returns made to this office.

A. B. Inspector. *ibid.* § 40.

41. The surveyor, or chief officer of inspection as aforesaid, shall in addition to the general certificate aforesaid, give to the proprietor, importer or consignee of any distilled spirits, wines or teas, or his or their agent, a particular certificate, which shall accompany each cask, chest, vessel or case of distilled spirits, wines or teas, wherever the same may be sent, within the limit, of the U. S. as evidence that the same have been lawfully imported; and which certificate shall be of the form following, to wit:

No, District of  
Port of

I certify, that there was imported into this district on the [here insert the date of importation] by [here insert the name of the proprietor, importer or consignee] in the [here insert the name of the vessel, the surname of the master, and whether a vessel of the U. S. or a foreign vessel] from [here insert the place from which imported] one [here insert whether cask, chest, vessel or case, by the proper name] of [here insert whether spirits, wines or teas, and the kind of each] numbered and marked as per margin, [the marks of the inspector to be inserted in the margin] containing [here insert the number of gallons and rate of proof, if spirits, or gallons, if wines, or the number of pound weight nett if teas.]

A. B. Supervisor,

Countersigned by

C. D. Inspector. *ibid.* § 41.

42. The supervisors of the several districts shall provide blank certificates, under such checks and devices as shall be prescribed by the proper officers of the Treasury, and shall number sign and deliver the same to the officers who may perform the duties of inspectors of the revenue, for the several ports in their respective districts: which blank certificates shall be filled up and countersigned by the inspectors of the revenue aforesaid, who shall be accountable therefor to the supervisors; and the said inspectors shall make regular and exact entries of all certificates which shall be granted as aforesaid, as particularly as therein described. *ibid.* § 42.

43. The proprietor, importer, or consignee, or his or her agent, who may receive said certificates, shall upon the sale or delivery of any of the said spirits, wines or teas, deliver to the purchaser or purchasers thereof, the certificate or certificates which ought to accompany the same, on pain of forfeiting 50 dollars for each cask, chest, vessel or case, with which such certificate shall not be delivered;—And if any casks, chests, vessels or cases, containing

distilled spirits, wines or teas, which by the foregoing provisions ought to be marked and accompanied with certificates, shall be found in the possession of any person unaccompanied with such marks and certificates, it shall be presumptive evidence that the same are liable to forfeiture; and it shall be lawful for any officer of the customs or of inspection to seize them as forfeited; and if upon the trial in consequence of such seizure, the owner or claimant of the spirits, wines or teas seized, shall not prove that the same were imported into the U. S. according to law, and the duties thereupon paid or secured, they shall be adjudged to be forfeited. *ibid.* § 43.

44 On the sale of any cask, chest, vessel or case, which has been or shall be marked pursuant to the provisions aforesaid, as containing distilled spirits, wines or teas, and which has been emptied of its contents, and prior to the delivery thereof to the purchaser, or any removal thereof, the marks and numbers, which shall have been set thereon by or under the direction of any officer of inspection, shall be defaced and obliterated in the presence of some officer of inspection or of the customs, who shall on due notice being given attend, for that purpose, at which time the certificate which ought to accompany such cask, chest, vessel or case, shall also be returned and cancelled: And every person, who shall obliterate, counterfeit, alter or deface any mark or number placed by an officer of inspection upon any cask, chest, vessel or case, containing distilled spirits, wines or teas, or any certificate thereof; or who shall sell or in any way alienate or remove any cask, chest, vessel or case, which has been emptied of its contents, before the marks and numbers, set thereon pursuant to the provisions aforesaid, shall have been defaced or obliterated, in presence of an officer of inspection as aforesaid; or who shall neglect or refuse to deliver the certificate issued to accompany the cask, chest, vessel or case, of which the marks and numbers shall have been defaced or obliterated in manner aforesaid, on being thereto required by an officer of inspection or of the customs, shall for each and every such offence forfeit and pay 100 dollars, with costs of suit. *ibid.* § 44.

45. In order to ascertain what articles ought to be exempt from duty, as the sea stores of a ship or vessel, the master or other person having the charge or command of any ship or vessel shall particularly specify the said articles, in the report or manifest to be by him made, designating them as the sea stores of such ship or vessel; and in the oath to be taken by such master, or other person, on making such report in manner before prescribed, he shall declare that the articles so specified as sea stores are truly such, and are not intended by way of merchandise or for sale; whereupon the said articles shall be free from duty. *Provided*, That if it shall appear to the collector to whom such report and manifest shall be made and delivered, together with the naval officer where there is one, or alone, where there is none, that the quantities of the said articles, or of any part thereof, so reported as sea stores,



are excessive, it shall be lawful for the said collector, jointly with the naval officer, or alone, as the case may be, in his or their discretion, to estimate the amount of the duty on such excess, which shall be forthwith paid by the said master or other person having the charge or command of such ship or vessel, to the said collector, on pain of forfeiting the value of such excess; And if any other or greater quantity of articles are found on board such ship or vessel as sea stores than are specified in such entry, or if any of the said articles shall be landed without a permit first obtained from the collector and naval officer of the port [where any] for that purpose, all such articles as are not included as aforesaid, in the report or manifest delivered on oath or affirmation, as aforesaid, by the master or other person having the charge or command of such ship or vessel, or which shall be landed without such permit as aforesaid, shall be forfeited, and may be seized; and the master, or person having the command of such ship or vessel, shall moreover forfeit and pay treble the amount or value of the articles so omitted or landed. *ibid.* § 45.

45. From and after the 30 day of June next, the wearing apparel, and other personal baggage, and the tools or implements of a mechanical trade only, of persons who arrive in the U. S. shall be free and exempted from duty; and to ascertain what articles ought to be exempted, according to the true intent and meaning of the provision aforesaid, it is directed, that due entry thereof, as of other goods, wares and merchandise, but separate and distinct from that of any other goods, wares and merchandise, imported from a foreign port or place, shall be made with the collector of the district in which the said articles are intended to be landed, by the owner or owners thereof, or his, her or their agent, expressing the persons by whom or for whom such entry is made, and particularizing the several packages, and their contents, with their marks and numbers; and the person or persons who shall make the entry, shall take and subscribe an oath or affirmation before the said collector, as the case may require, in manner following, to wit:

District of            fs.  
Port of

I (here insert the name of the person making the entry) do solemnly, sincerely and truly swear (or affirm) that the entry subscribed by me and hereto annexed, contains, to the best of my knowledge and belief, a just and true account of the contents of the several (here insert whether chests, cases or packages) mentioned in the said entry, imported in the (here insert the name of the vessel, and master's name) from (here insert the port from which arrived) and that they contain no goods, wares or merchandise whatever, other than the wearing apparel and other personal baggage [or if the case require] and the tools of the trade of [here insert what mechanical trade] all of which are the property of [here insert to whom belonging, and family, as the case may require] who has or have arrived [or as the case may require] who

is or are shortly expected to arrive in the U. S. and are not directly or indirectly imported for any other person or persons, or intended for sale.

So help me God.

And in case the party shall be other than the owner of the said articles, he or she shall give bond, with 1 or more sureties to the satisfaction of the said collector, in a sum equal to what would be the amount of the duties on the said articles, if imported subject to duty; the form of which bond shall be as follows:

Know all men by these presents, that we [here insert the names of the principal and sureties] are held and firmly bound unto the United States of America, in the sum of \_\_\_\_\_ to be paid to the said United States; for payment whereof we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents, sealed with our seals. Dated the \_\_\_\_\_ day of \_\_\_\_\_ in the \_\_\_\_\_ year of the independence of the United States, and in the year of our Lord one thousand \_\_\_\_\_

Whereas the above named \_\_\_\_\_ has this day, for and in behalf of \_\_\_\_\_ exhibited an entry, subscribed with his name, of the following packages of wearing apparel and other articles, as being exempted from duty [here insert the number and description of packages, together with their marks and numbers] and has made oath before the collector of the district of \_\_\_\_\_ that the said articles are the property of the said \_\_\_\_\_ that they are truly and bona fide intended for the sole use of himself and [family, as the case may require] and are not directly or indirectly imported for any other person, or intended for sale;

Now therefore the condition of this obligation is such, that if the said \_\_\_\_\_ shall, within one year from the date hereof, take and subscribe the oath prescribed by law in such case, before the said collector, or if the said oath, duly authenticated, shall be produced to the said collector agreeably to the true intent and meaning of the said law; then this obligation to be void, or else to remain and be in full force and virtue.

Sealed and delivered }  
in the presence of }

And on compliance with the conditions aforesaid, and not otherwise, a permit shall and may be granted for landing the said articles; *Provided*, That whenever the collector and naval officer (if any) shall think proper so to do, they may and are hereby authorized, in lieu of the provisions and directions before mentioned, to direct the baggage of any person arriving within the U. S. to be examined by the surveyor of the port, or an inspector of the customs, and to make a return of the same; and if any articles shall be contained therein, which in their opinion ought not to be exempted from duty, according to the true intent and meaning of this act, due entry shall be made therefor, and the duties thereon paid or secured to be paid; *And Provided*, That whenever any article or articles subject to duty, according to the true intent and meaning of this act, shall be found in the baggage of any person arriving within the U. S. which shall not, at the time of making

entry for such baggage, be mentioned to the collector before whom such entry is made by the person making the same, all such articles so found shall be forfeited, and the person in whose baggage they shall be found, shall moreover forfeit and pay treble the value of such articles. *ibid.* § 46.

47. On any goods, wares or merchandise, of the growth or manufacture of the U. S. which may have been exported to some foreign port or place and brought back to the said states, and upon which no drawback, bounty or allowance has been paid, no duty shall be demanded. *Provided*, That the regulations herein after prescribed, for ascertaining the identity of such goods, wares or merchandise, be observed and complied with. *ibid.* § 47.

43. Report and entry of goods, wares or merchandise, returned as aforesaid, shall be made as in other cases of goods, wares and merchandise imported from a foreign port or place; and proof, by oath or affirmation of the person or persons having knowledge of the facts, shall be made to the satisfaction of the collector of the district with whom such entry shall be made, jointly with the naval officer, if there be a naval officer, or alone, if there be no naval officer, that the said articles had been exported from the U. S. as of the growth, produce or manufacture of the same, and of the time when, by whom, in what ship or vessel, and for what port or place, they were so exported; the form of which oath or affirmation shall be as follows:

District of            is  
Port of

I, A. B. do solemnly, sincerely and truly swear [or affirm, as the case may be] that the several articles of merchandise, mentioned in the entry hereto annexed, are to the best of my knowledge and belief, truly and bona fide of the growth, product or manufacture of the United States [as the case may be] and that they were truly exported and imported as therein expressed, and that no drawback, bounty or allowance has been paid or admitted thereon, or any part thereof. So help me God.

Sworn to,

A. B.

And if the collector, who may receive the entry aforesaid, shall be other than the collector of the district from which the said articles shall have been exported, a certificate of the latter shall be produced to the former, testifying the exportation thereof; the form of which shall be as follows:

District of  
Port of

This is to certify that there were cleared out at this port on the [insert the day of clearance] in the [insert the denomination and name of the vessel] whereof [insert the name] was master, for [insert the port or place for which cleared] the following articles of merchandise (here enumerate the number of packages, their denominations, marks, and numbers, together with their



contents) on which no drawback, allowance or bounty hath been paid or admitted.

A. B. Collector.

C. D. Naval Officer.

Whereupon a permit shall and may be granted for landing the same. *Provided*, That if the said certificate cannot be immediately produced, and if the proof otherwise required shall be made, a bond shall and may be given in the following form, with 1 or more sureties, to the satisfaction of the collector of the district, within which the said articles are intended to be landed, in a sum equal to what the duties would be on the said articles, if they were not of the growth, product or manufacture of the U. S.

Know all men by these presents, that we (insert the name of the principal and sureties) are held and firmly bound unto the United States of America, in the sum of            to be paid to the said United States, for which payment well and truly to be made, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents. Sealed with our seals, and dated this       day of       in the       year of the independence of the United States, and in the year of our Lord one thousand seven hundred and ninety

Whereas       has this day made entry at the custom house of the port of       of the following articles, viz. (here particularize the packages, marks, numbers and contents) as per entry by him subscribed, and hath likewise sworn (or affirmed) before the collector of the said port, that the said articles are of the growth, product or manufacture of the United States, and that they were exported from the district of       in the       whereof       was master, on or about the       and whereas the duties on the aforesaid articles, if of foreign growth or importation, would amount to the aforesaid sum of

The condition therefore of this obligation is such, that if the above bounden       do, within six months from the date hereof, produce, or cause to be produced, to the collector of the district of       a certificate under the hand and seal of the collector (and naval officer if any) of the aforesaid port of       of the said articles having been actually exported from thence as herein set forth, subject to no drawback, bounty or allowance, then this obligation to be void and of no effect, otherwise it shall be and remain in full force and virtue.

Sealed and delivered }  
in the presence of }

And upon receiving a bond as aforesaid, it shall be lawful for the said collector, and naval officer where any, to grant a permit for landing of the said articles in like manner as if the said certificate had been produced; and in default of such certificate being produced, within the time limited in such bond, the collector taking the same is required and enjoined to enforce the payment thereof, as in the case of other bonds taken for duties on goods, wares and merchandise imported into the U. S. *ibid* § 48.

49. All oaths or affirmations to be taken, upon making of any of the reports or entries, or respecting any of the acts herein mentioned, whether by the master or other person having the charge or command of any ship or vessel, or the owner or consignee of any goods, wares or merchandise, his or her factor or agent, or by any other person, shall be administered by the collector, or officer to or with whom report or entry shall be made, and shall be reduced to writing, and subscribed by the person swearing or affirming, and also by the person administering the said oaths or affirmations. And the collector jointly with the naval officer, or alone where there is none, shall according to the best of his or their judgment or information, make a gross estimate of the amount of the duties on the goods, wares or merchandise, to which the entry of any owner or consignee, his or her factor or agent, shall relate, which estimate shall be endorsed upon such entry, and signed by the officer or officers making the same. And the amount of the said estimated duties having been first paid, or secured to be paid, pursuant to the provisions of this act, the said collector shall, together with the naval officer, where there is 1, or alone where there is none, grant a permit to land the goods, wares & merchandise, whereof entry shall have been so made, and then, and not before, it shall be lawful to land the said goods; and all permits shall specify, as particularly as may be, the goods to be delivered, namely, the number and description of the packages, whether trunk, bale, chest, box, case, pipe, hogthead, barrel, keg, or any other packages whatever, with the mark and number of each package, and as far as circumstances will admit, the contents thereof, together with the names of the vessel and master, in which, and the place from whence they were imported; and no goods, wares or merchandise shall be delivered by any inspector or other officer of the customs, that shall not fully agree with the description thereof in such permit:—And the form of all permits for the purposes aforesaid, and for the deliveries from the public stores, shall be as follows:—

Port of

To the inspectors of the port (or) the keeper of the public stores  
(as the case may require.)

We certify, that (insert the name of the actual owner or consignee) has paid (or) secured to be paid (as the case may be) the duties on merchandise contained in the following packages, in conformity to the entry thereof of this date, which merchandise was imported in the (insert the denomination and name of the vessel, master's name, and the port from which arrived) permission is accordingly hereby given to land (or) deliver the same, viz. (here particularly insert the mark, number and denomination of each package, and as far as may be, their contents, noting those articles that are to be either weighed, gauged or measured.)

A B. Collector.

C. D. Naval officer. *ibid.* § 49.

50. No goods, wares or merchandise, brought in any ship or

vessel from any foreign port or place, shall be unladen or delivered from such ship or vessel, within the U. S. but in open day, that is to say, between the rising and the setting of the sun, except by special licence from the collector of the port, and naval officer of the same, where there is 1, for that purpose, nor at any time without a permit from the collector, and naval officer, if any, for such unloading or delivery; and if any goods, wares or merchandise shall be unladen or delivered from any such ship or vessel, contrary to the direction aforesaid, or any of them, the master or person having the charge or command of such ship or vessel, and every other person who shall knowingly be concerned, or aiding therein, or in removing, storing, or otherwise securing the said goods, wares or merchandise, shall forfeit and pay, each and severally, 400 dollars for each offence, and shall be disabled from holding any office of trust or profit under the U. S. for a term not exceeding 7 years; and it shall be the duty of the collector of the district, to advertise the names of all such persons in a newspaper, printed in the state in which he resides, within 20 days after each respective conviction; and all goods, wares or merchandise, so unladen or delivered, shall become forfeited, and may be seized by any of the officers of the customs; and where the value thereof, according to the highest market price of the same, at the port or district where landed, shall amount to 400 dollars, the vessel, tackle, apparel and furniture shall be subject to like forfeiture and seizure. *ibid.* § 50.

51. no goods, wares or merchandise, brought in any ship or vessel, from any foreign port or place, requiring to be weighed, gauged, or measured, in order to ascertain the duties thereupon, shall without the consent of the proper officer, be removed from any wharf, or place, upon which the same may be landed or put, before the same shall be so weighed, gauged or measured, and if spirits, wines, teas or sugars, before the proof or quality and quantity thereof is ascertained and marked thereon, by or under the direction of the proper officer for that purpose; and if any such goods, wares or merchandise shall be removed from such wharf or place, unless with the consent of the proper officer, had and obtained, before the same shall have been so weighed, gauged or measured, and if spirits, wines, teas or sugars, before the proof or quality and quantity shall have been so ascertained and marked, the same shall be forfeited, and may be seized by any officer of the customs or inspection. *ibid.* § 51.

52. All goods, wares or merchandise, of which entry shall have been made incomplete, or without the specification of particulars, either for want of the original invoice or invoices, or for any other cause, or which shall have received damage during the voyage, to be ascertained by the proper officers of the port or district in which the said goods, wares or merchandise shall arrive, shall be conveyed to some warehouse or storehouse, to be designated by the collector, in the parcels or packages containing the same, there to remain with due and reasonable care, at the expence and risk of the owner or consignee, under the care of some proper officer, until



the particulars, cost or value, as the case may require, shall have been ascertained, either by the exhibition of the original invoice or invoices thereof, or by appraisement, at the option of the owner, importer or consignee, in manner hereafter provided, and until the duties thereon shall have been paid, or secured to be paid, and a permit granted by the collector for the delivery thereof. And for the appraisement of goods wares & merchandise, not accompanied with the original invoice of their cost, or to ascertain the damage thereon received during the voyage, it shall be lawful for the collector, & upon request of the party, he is required to appoint 1 merchant, & the owner, importer or consignee to appoint another, who shall appraise or value the said goods, wares or merchandise accordingly, which appraisement shall be subscribed by the parties making the same, and be verified on oath or affirmation before the said collector; which oath or affirmation shall be in the form following to wit—

We (insert the names of the persons) appointed by the collector of (here insert the name of the port or district) and (here insert the name or names of the importer or importers) to ascertain the contents, and appraise the value of the merchandise contained in the several packages described in the within or annexed entry or account, do solemnly, sincerely and truly swear (or affirm) that the several articles detailed in the annexed appraisement, subscribed with our names, contains a full and true account of all the merchandise whatsoever contained in the several packages mentioned in such entry or account, and that the several prices by us affixed to each article are, to the best of our skill and judgment, the true and actual value or cost thereof, at the place of exportation. So help us God.

And in respect to articles that have been damaged, during the voyage, as aforesaid, whether subject to a duty ad valorem, or which are chargeable with a specific duty, either by number, weight or measure, the appraisers as aforesaid shall in like manner ascertain and certify, to what rate or per centage, the said goods, wares or merchandise are damaged, and the rate or per centage of damage, so ascertained and certified, shall be deducted from the original amount, subject to a duty ad valorem, or from the actual or original number, weight or measure on which specific duties would have been computed; *Provided*, That no allowance for the damage on any goods, wares and merchandise, that have been entered, and on which the duties have been paid or secured to be paid, and for which a permit has been granted to the owner or consignee thereof, and which may on examining the same prove to be damaged, shall be made, unless proof to ascertain such damage shall be lodged in the custom house of the port or place where such goods, wares or merchandise have been landed, within ten days after the landing of such merchandise. And every person who shall be appointed to ascertain the damage during the voyage, of any goods, wares or merchandise, shall take and subscribe an oath or affirmation in the following form, to wit:

We (insert the names of the persons) appointed by the collector of the district of (insert the name of the district) and (insert the name or names of the owner or owners, consignee or consignees) to ascertain and appraise the damage sustained on merchandise imported by (insert the name or names of the importer or importers) in the (insert denomination and name of the vessel) whereof (insert the name) is master, from (insert the port or place from which imported) do solemnly, sincerely and truly swear (or affirm) that we have carefully examined the several packages hereafter enumerated and described, and find the several articles of merchandise, as particularly detailed, contained in the said packages, to have received damage, as we believe, during the voyage of importation, and that the allowance, by us made for such damage, is to the best of our skill and judgment, just.

So help us God. *ibid.* § 52.

53. It shall be lawful for the collector of any district at which any ship or vessel may arrive, and immediately on her first coming within such district, and for the surveyor of any port where such ship be, to put and keep on board such ship or vessel, whilst remaining within such district, or in going from 1 district to another, 1 or more inspectors to examine the cargo, or contents of such ship or vessel, and to superintend the delivery thereof, or of so much thereof as shall be delivered within the U. S. and to perform such other duties; according to law, as they shall be directed by the said collector, or surveyor, to perform for the better securing the collection of the duties; *Provided*, That collectors only shall have power to put on board ships or vessels, inspectors to go from 1 district to another; and the said inspector or inspectors, shall make known to the person having the charge or command of such ship or vessel, the duties he or they, is or are, so to perform; and shall suffer no goods, wares or merchandise of any nature or kind whatsoever to be landed or unladen, or otherwise taken or removed from such ship or vessel, without a permit in writing from the collector of the port, and naval officer thereof, where any, first had and granted for that purpose—and the inspector aforesaid shall enter in a book, to be by him or each of them kept according to such a form as shall be prescribed or approved by the collector, the name or names of the person or persons in whose behalf such permits are granted, together with the particulars therein specified, and the marks, numbers, kinds and description of the respective packages, which shall be unladen pursuant thereto, and shall keep a like account in the said book of all goods, wares and merchandise, which not having been entered within the time limited by this act, or for some other cause, have been sent to the store or warehouse, provided for the reception of such goods, wares or merchandise: which book shall be delivered to the surveyor in the month of Jan. in every year for his inspection, and immediately after such inspection, be transmitted by the surveyor, with such observations as he may think necessary thereon, to the collector, to be deposited in his office. And it shall be the duty of the said

inspector or inspectors, to attend to the delivery of the cargo or cargoes under their care, at all times when the unlading or delivery of goods, wares and merchandise is lawful, particularly from the rising 'till the setting of the sun on each day, Sundays and the 4 day of July in each year excepted; for which purpose they shall constantly attend and remain on board the vessel or vessels, the deliveries from which they are to superintend, or at any other stations where their inspection is necessary—And said inspector or inspectors shall not quit such stations or places, without the leave of the surveyor of the port first had and obtained for that purpose, who shall appoint another inspector (if he shall judge it necessary) to supply the place of such inspector or inspectors, during his or their absence; and any inspector, who shall neglect or in any manner act contrary to the duties hereby enjoined, shall for the first offence forfeit and pay 50 dollars, and for the second offence, shall be displaced, and be incapable of holding any station of trust or profit under the revenue laws of the U. S. for a term not exceeding 7 years. And no inspector or inspectors shall perform any other duties or service, on board any ship or vessel, the superintendence of which is committed to him or them, for any person or persons whatever, other than what is required by this act, under the penalty of being disabled from acting any longer as an inspector of the customs; and the wages or compensation of such inspector or inspectors, as may proceed from 1 district to another, shall be defrayed by the master or person having the charge or command of the ship or vessel committed to his or their care; and every inspector or other officer of the revenue, while performing any duty on board any ship or vessel, not in a port of the U. S. discharging her cargo, shall be entitled to receive from the master of such ship or vessel, such provisions and accommodations as are usually supplied to passengers, or as the state and condition of such ship or vessel will admit, on receiving therefor 50 cents per diem; and any master of any ship or vessel, who shall refuse provisions and reasonable accommodations as aforesaid, shall forfeit and pay 100 dollars. *ibid.* § 53.

54. It shall be lawful for all collectors, naval officers, surveyors, inspectors, and the officers of the revenue cutters, herein after mentioned, to go on board of ships or vessels in any port of the U. S. or within 4 leagues of the coast thereof, if bound to the U. S. whether in or out of their respective districts, for the purposes of demanding the manifests aforesaid, and of examining and searching the said ships or vessels; and the said officers respectively shall have free access to the cabin and every other part of a ship or vessel; and if any box, trunk, chest, cask, or other package shall be found in the cabin, steerage or forecabin of such ship or vessel, or in any other place separate from the residue of the cargo, it shall be the duty of the said officer to take a particular account of every such box, trunk, chest, cask or other package, and of the marks and numbers thereof, if any there be, and a description thereof, and if he shall judge proper, to put a seal or seals on every such



box, trunk, chest, cask or other package; and such an account and description shall be by him forwarded without delay to the collector of the district to which such ship or vessel is bound. And if upon her arrival at the port of her entry, the boxes, trunks, chests, casks, or other packages so described, or any of them, shall be missing, or if the seals put thereon be broken, the master or commander of such ship or vessel shall forfeit and pay for every such box, trunk, chest, cask or other package so missing, or of which the seals shall be broken, 200 dollars. And it shall also be lawful for the inspectors who may be put on board of any ship or vessel, (and they are hereby required and enjoined so to do) to secure after sunset in each evening, or previous to their quitting the ship or vessel, the hatches and other communications with the hold of such ship or vessel, or any other part thereof he or they may judge necessary, with locks or other proper fastenings, which locks or other fastenings shall not be opened, broken, or removed until the morning following, or after the rising of the sun, and in the presence of the inspector or inspectors, by whom the same shall have been so affixed, except by special licence from the collector of the port, and naval officer thereof, if any, for that purpose, first had and obtained. And if the said locks or other fastenings, or any of them shall be broken or removed, during the night or before the said rising of the sun, or without the presence of the said inspector or inspectors, or without such licence first had and obtained, or if any goods or packages shall be clandestinely landed, notice thereof shall be immediately given by the inspector or inspectors, to the collector and naval officer of the district, port or place, where the vessel may be; and the master, or other person having the charge or command of any such ship or vessel, shall, for each or every of the offences aforesaid, forfeit and pay 500 dollars. *ibid.* § 54.

55. When the delivery of goods, wares and merchandise from on board of any ship or vessel, shall have been completed, copies of the accounts or entries, which shall have been kept or made thereof, by the officer or officers who shall have been charged with the said deliveries, shall be returned to the collector of the district and naval officer of the same, if any there be, within 3 days after such delivery hath been completed, if at the port where such officer or officers reside, and if at any other port, as soon as the nature of the case will admit, not exceeding 15 days; and the accounts or entries to be returned as aforesaid, shall comprise all deliveries made pursuant to permits as aforesaid, and all packages or merchandise sent to the public stores; also each and every package remaining on board of such ship or vessel, for the purpose of being exported therein, to a foreign port or place, or to some other district of the U. S. And the returns of the inspectors to be made as aforesaid, shall be according to the following form—namely;

Return of merchandise, unladen under my inspection, pursuant to permits for that purpose, from on board the [insert the names

of the vessel and master] from [insert the port from which the vessel arrived.]

When delivered or sent to store.	Dates of permits	Marks.	Numbers.	Description of packages.	Contents.	To whom delivered, or whether sent to store, or remaining on board.	Remarks.

And the returns to be made as aforesaid, shall be signed by the inspectors respectively, under whose superintendence the deliveries shall have been made; and after examination, and being found correct, said returns shall be countersigned or certified by the surveyor of the port, if any there be, at the port where the deliveries have been made; and the said returns shall be transmitted by him to the naval officer, if any there be, who shall compare the same with the manifests and entries in his possession; and if any difference shall appear, the particulars thereof shall be noted by endorsement on the said returns, and if no difference shall appear, it shall be so noted by like endorsements,—and transmit the same to the collector of the district; and on being returned to the collector, it shall be by him compared with the manifests and entries of such goods, wares or merchandise, which shall have been made by the owner or owners, consignee or consignees, or his or their factor or agent; and if any difference shall appear, the same shall be noted by endorsement on such manifests, specifying the particulars thereof: and if no difference shall appear, it shall be noted by like endorsement, that the delivery hath corresponded with the entry or entries thereof; which endorsement or memorandum shall in each case, be subscribed by the officer by whom such comparison shall have been made. *ibid.* § 55.

56. If at the expiration of 15 working days, after the time within which the report of the master, or person having the charge or command of any ship or vessel, so required to be made to the collector of a district as aforesaid, there shall be found on board, any goods, wares and merchandise, other than shall have been reported for some other district, or some foreign port or place, the said inspector or inspectors, shall take possession thereof. *Provided*, that with the consent of the owner or consignee of any goods, wares or merchandise, or with the consent of the owner or master of the vessel, in which the same may be imported, the said goods, wares or merchandise may be taken possession of, at any time, after 5 days notice to the collector of the district. And all goods,

wares or merchandise, taken as aforesaid, shall be delivered pursuant to the order of the collector of the district ; for which a certificate or receipt shall be granted in the following form.

District of

Port of

I certify, that there has been received into store, from on board the [insert the denomination and name of the vessel] whereof [insert the name] is master, from [insert the port or place where from] the following merchandise, to wit, [here enumerate the several packages, their denominations, marks, and numbers, and if articles in bulk, the quantity.] lodged by [insert the name] inspector, under whose care the said vessel was unladen.

A. B.

And the said goods shall be kept with due and reasonable care, at the charge and risk of the owner or owners thereof, for the term of 9 months, and if within that time, no claim be made for the same, the said collector shall procure an inventory of the said goods, and an appraisement thereof, to be made and to be verified on oath or affirmation by 2 or more reputable merchants before the said collector, and to remain with him ; and said collector shall afterwards cause the said goods to be sold at public auction (previously causing the same to be advertised in 1 or more of the public newspapers, printed at or nearest to the port or place, where the sale is to be, for the space of 1 month) and retaining the duties thereon agreeable to such inventory and appraisement, and all charges thereon, shall pay the overplus, if any there be, into the Treasury of the U. S. there to remain for the use of the owner or owners, who shall, upon due proof of his, her, or their property, be entitled to receive the same ; for which purpose the collector shall transmit with the said overplus a copy of the inventory, appraisement, and account of sales, specifying the marks, numbers, and descriptions of the packages sold, their contents, the name of the vessel and master, in which, and of the port or place from whence they were imported, and the time when, and the name of the person, or persons to whom the said goods were consigned in the manifest ; and the receipt or certificate of the collector shall exonerate the master or person having the charge or command of any ship or vessel, in which such goods, wares and merchandise, were imported, from all claim of the owner or owners thereof : *Provided*, that nothing herein contained shall be understood to prohibit the sale of such quantities of goods, stored as aforesaid, as may be necessary to discharge the duties thereon, at the time or times, when such duties shall become due and payable. *And provided*, that where any entry shall have been duly made of such goods, the same shall not be appraised ; and that where such goods, are of a perishable nature, they shall be sold forthwith ; *Provided further*, that the said limitation of 15 days shall not extend to ships or vessels laden with salt or coal ; but if the said master or owner of any such ship or vessel, so laden with salt or coal, requires a longer time to discharge her cargo, the wages, or compensation of the inspector, for every day's at-



tendance, exceeding the said 15 days, shall be paid by the said master or owner—and thereupon, the collector is hereby authorized and required to allow such longer time as in his judgment he may think necessary to discharge such cargo, not exceeding 15 days. And if by reason of the delivery of the cargo, in several districts, more than the said term of 15 working days, shall in the whole be spent therein; the wages or compensation of the inspector or inspectors who may be employed on board of any ship or vessel, in respect to which such term may be so exceeded, shall, for every day of such excess, be paid by the said master or owner; and it shall be the duty of such inspectors, previously to the clearance of such ship or vessel, to render an exact account to the collector, of all such compensations as shall have been paid, or shall be due and payable by such master or owner. *ibid.* § 56.

57. If any package whatever, which shall have been reported as aforesaid, shall be wanting, and not found on board such ship or vessel, or if the goods, wares and merchandise, on board such ship or vessel, shall otherwise not agree with the report or manifest delivered by the master or other person having the charge or command of any such ship or vessel, in every such case the master, or other person having such charge or command, shall forfeit and pay 500 dollars: *Provided*, That if it shall be made appear to the satisfaction of the collector, naval officer and surveyor, or to the major part of them, where those officers are established at any port, or to the satisfaction of the collector alone, where neither of the said others is established, or, in case of trial for the said penalty, to the satisfaction of the court, that no part whatever of the goods, wares or merchandise of such ship or vessel has been unshipped, landed, or unladen since it was taken on board, except as shall have been specified in the said report, or manifest, and pursuant to permits as aforesaid, or that the said disagreement is by accident, or mistake, in such case the penalty aforesaid shall not be inflicted; but in all cases as aforesaid the master, or person having the charge or command of any ship or vessel, shall be required and shall make a post entry or addition to the report or manifest by him delivered, of any and all goods, wares or merchandise omitted to be included and reported in such manifest; and it shall not be lawful to grant a permit to unlade any such goods, wares or merchandise so omitted, before such post entry, or addition to such report or manifest, has been made. *ibid.* § 57.

58. The following allowances shall be made for the drafts and tare of the articles subject to duty, by weight, on the importation and exportation thereof, that is to say—For draft on any quantity of 1 hundred weight, or 112 pounds, 1 pound—on any quantity above 1 and not exceeding 2 hundred weight, 2 pounds—on any quantity above 2 and not exceeding 3 hundred weight, 3 pounds—on any quantity above 3 and not exceeding 10 hundred weight, 4 pounds—on any quantity above 10 and not exceeding 18 hundred weight, 7 pounds—on any quantity above 18 hundred weight, 9 pounds.

For tare on every whole chest of bohea tea, 70 pounds ; on every half chest, 35 pounds ; on every quarter chest, 20 pounds ; on every chest of hyson or other green teas, the gross weight of which shall be 70 pounds, or upwards, 20 pounds ; on every box of other tea, not less than 50 or more than 70 pounds, gross, 18 pounds ; if 80 pounds gross, 20 pounds ; and from 80 pounds gross and upwards, 22 pounds ; which tares shall include rope, canvas and other coverings ; on all other boxes of tea, according to the invoice or actual weight thereof ; on coffee in bags, 2 per cent ; in bales, 3 per cent ; in casks, 12 per cent ; on sugar other than loaf sugar in casks, 12 per cent ; in boxes, 15 per cent, in bags or mats, 5 per cent ; on cocoa in casks, 10 per cent ; in bags, 1 per cent ; on pimento in casks, 15 per cent ; in bags, 3 per cent ; on cheese in hampers or baskets, 10 per cent ; in boxes, 20 per cent ; on candles, in boxes, 8 per cent ; on chocolate in boxes, 10 per cent ; on cotton, in bales, 2 per cent ; in seroons, 6 per cent ; on glauber salts in casks, 8 per cent ; on indigo in barrels, 12 per cent ; in other casks 15 per cent ; in seroons, 10 per cent ; in bags or mats, 3 per cent ; on nails in casks, 8 per cent ; on pepper in casks, 12 per cent ; in bales, 5 per cent ; in bags 2 per cent : sugar candy in boxes, 10 per cent ; segars in casks or boxes, 18 per cent ; soap in boxes, 10 per cent ; shot in casks, 3 per cent ; twine in casks, 12 per cent ; in bales, 3 per cent ; on all other goods according to the invoice thereof, or actual weight—*Provided*, That where the original invoices of any of the said articles are produced, at the time of making entry for such articles, and the tare or tares appear therein, it shall be lawful for the collector and naval officer, where there is one, if they see fit, with the consent of the importer or importers, consignee or consignees, to estimate the said tare or tares, according to such invoice, but if not determined at the time of entry, the tare or tares as above shall be granted and allowed. *ibid.* § 58.

59. There shall be an allowance of 2 per cent, for leakage on the quantity which shall appear by the gauge to be contained in any cask of liquors, subject to duty by the gallon ; and 10 per cent. on all beer, ale and porter in bottles, and 5 per cent. on all other liquors in bottles, to be deducted from the invoice quantity, in lieu of breakage, or it shall be lawful to compute the duties on the actual quantity to be ascertained by tale at the option of the importer, to be made at the time of entry. *ibid.* § 59.

60. If any ship or vessel from any foreign port or place, compelled by distress of weather, or other necessity, shall put into any port or place of the U. S. not being destined for the same, and if the master, or other person having the charge or command of any such ship or vessel, together with the mate or person next in command, shall, within 24 hours after her arrival, make protest in the usual form upon oath or affirmation, before a notary public or other person duly authorized, or before the collector of the district, where the said ship or vessel shall so arrive, who is hereby empowered to administer the same, setting forth the cause, or cir-

cumstance of such distress, or necessity, which protest, if not made before the collector, shall be produced to him, and to the naval officer, (if any there be) and a copy thereof lodged with him or them. And the master, or other person aforesaid, shall also, within 48 hours after such arrival, make report in writing to the said collector of the said ship or vessel and her cargo, as is directed hereby to be done in other cases. And if it shall be made appear to the said collector, by the certificate of the wardens of the port, or other officers usually charged with, and accustomed to ascertain the condition of ships or vessels arriving in distress, if any such there be, or by the certificate of any 2 reputable merchants, to be named for that purpose by the said collector, if no such wardens, or other officers duly qualified there be, that there is a necessity for, unlading the said ship or vessel, the said collector and naval officer (where any) shall grant a permit for that purpose, and shall appoint an inspector or inspectors to oversee such unlading, who shall keep an account of the same, to be compared with the report made by the master, or other person having the charge or command of such ship or vessel; and all goods, wares and merchandise so unladen, shall be stored under the direction of the said collector, who, upon request of the master or person having the charge or command of such ship or vessel, or of the owner or owners thereof, shall, together with the naval officer, where there is 1 and alone where there is none, grant permission to dispose of such part of the said cargo as may be of a perishable nature (if any there be) or as may be necessary to defray the expences attending such ship or vessel, and her cargo; *Provided*, That entry shall be made therefor, and the duties thereon as in other cases shall be first paid, or secured to be paid; *And Provided*, That in case the delivery of the cargo do not agree with the report thereof, made by the master or other person having the charge or command of such ship or vessel, and if the difference, or disagreement be not satisfactorily accounted for in manner prescribed by this act, the master or other person having the charge or command of such ship or vessel, shall be liable to such penalties as in other like cases are by this act prescribed. And the said goods, wares and merchandise, or the remainder thereof, which shall not be disposed of as aforesaid, may afterwards be reladen on board the said ship or vessel, under the inspection of the officer who superintended the landing thereof, or other proper person; and the said ship or vessel may proceed with the same to the place of her destination, free from any other charge than for the storing and safe keeping of the said goods, and fees to the officers of the customs as in other cases.

*ibid.* § 60.

61. The ad valorem rates of duty upon goods, wares and merchandise at the place of importation, shall be estimated by adding 20 per cent to the actual cost thereof, if imported from the Cape of Good Hope, or from any place beyond the same; and 10 per cent on the actual cost thereof, if imported from any other place,



or country, including all charges, commissions, outside packages and insurance only excepted.

All foreign coins and currencies shall be estimated at the following rates ; each pound sterling of Great-Britain, at 4 dollars and 44 cents ; each livre tournois of France at 18 and a half cents ; each florin or guilder of the United Netherlands, at 40 cents ; each mark banco of Hamburg, at 33 and one third cents ; each rix dollar of Denmark, at 100 cents ; each rial of plate and each rial of vellon of Spain, the former at 10 cents, the latter at 5 cents each, each milree of Portugal, at 1 dollar and 24 cents ; each pound sterling of Ireland, at 4 dollars and 10 cents ; each tale of China, at 1 dollar and 48 cents ; each pagoda of India, at 1 dollar and 94 cents ; each rupee of Bengal, at 55 cents and one half ; and all other denominations of money, in value, as nearly as may be to the said rates, or the intrinsic value thereof, compared with money of the U. S. *Provided*, That it shall be lawful for the President of the U. S. to cause to be established fit and proper regulations for estimating the duties on goods, wares and merchandise imported into the U. S. in respect to which the original cost shall be exhibited in a depreciated currency, issued and circulated under authority of any foreign government. *ibid.* § 61.

62. All duties on goods, wares or merchandise imported, shall be paid or secured to be paid, before a permit shall be granted for landing the same ; and where the amount of such duty on goods imported in any ship or vessel, on account of 1 person only, or of several persons jointly interested, shall not exceed 50 dollars, the same shall be immediately paid, and if it exceed that sum, shall, at the option of the importer or importers, be paid or secured to be paid by bond, if on articles the produce of the West-Indies (salt excepted) the one half in 3 and the other half in 6 calendar months, on salt in 9 calendar months ; on Madeira and all other wines, in 12 calendar months ; on all goods, wares or merchandise (other than wines, salt and teas imported from Europe) one third in 8, one third in 10, and one third in 12 calendar months, and all goods, wares and merchandise, other than wines, salt and teas, imported from any other place than Europe and the West-Indies, one half in 6 months, one quarter in 9 months, and the other quarter in 12 months from the date of each respective importation ; which bond or bonds shall include 1 or more sureties, to the satisfaction of the collector of the district where the said duties shall accrue ; and on teas imported from China or Europe, it shall be at the option of the importer or importers (to be determined at the time of making entry therefor) either to secure the duties thereon, on the same terms and stipulations as on other goods, wares and merchandise imported, or to give his or her, or their bond to the collector of the district, where any such teas shall be landed, in double the amount of the duties thereupon, with condition for the payment of the said duties in 2 years, from the date of such bond ; which bond shall be accepted by such collector without surety upon the terms following, that is to say—the teas,

for the duties whereof such bond shall be accepted, shall be deposited at the expence and risk of the said importer or importers, in 1 or more store-house or store-houses, as the case may require, to be agreed upon between the said importer and the inspector, or other officer of inspection of the revenue, for the port where the said teas shall be landed; and upon every such store-house, the said inspector, or officer of inspection, shall cause to be affixed 2 locks, the key of 1 of which locks shall be kept by such importer, his or her agent, and the key of the other of which locks shall be kept by such inspector, or by such other person as he shall depute or appoint in his behalf, whose duty it shall be to attend at all reasonable times, for the purpose of delivering the said teas out of the said store-house or store-houses; but no delivery shall be made of any of the said teas without a permit in writing, under the hand of the collector of the port and naval officer of the same, where such tea is landed; and in order to the obtaining of such permit, it shall be necessary that the duties upon the teas, for which the same shall be required, be first paid or secured to be paid to the said collector in the manner following; that is to say—the said party or parties shall give bond with 1 or more surety or sureties to the satisfaction of the said collector, in double the amount of the duties upon the quantity of teas in each case to be delivered, with condition for the payment of the said duties, if the same shall not exceed 100 dollars, in 4 months; if it shall exceed 100 and not exceed 500 dollars, in 8 months; or if the same shall exceed 500 dollars, in 12 months: *Provided, always,* That the time to be allowed for the payment of the duties upon any parcel of teas to be delivered, shall not be such as to extend the credit for such duties beyond the term of 2 years, originally allowed upon the depositing of the said teas; *And provided,* That if the duties on any parcel of teas, which shall have been deposited as aforesaid, shall not have been paid, or secured to be paid, in manner last specified, within the term of 2 years, according to the condition of the obligation, to be first given to the collector of the district within which the same shall have been landed, it shall be the duty of the said collector to cause so much of the said teas as may be necessary, to be sold at public auction, and retaining the sum which shall not have been so paid or secured to be paid of the said duties, together with the expences of safe-keeping and sale of the said teas, shall return the overplus, if any, to the owner, or owners thereof, his, her, or their agent or lawful representative; and the amount of each bond or bonds, taken for the duties on any teas delivered, after a deposit as aforesaid, shall be endorsed immediately on the original bond given by the importer or importers of the said teas, specifying the date, quantity and quality of the teas delivered, the amount of duty secured thereon, by whom, and the term of payment. *And provided,* That it shall be lawful for the collector, in lieu of sureties, as required, on any bond given for securing the duties on any goods, wares and merchandise imported, to accept of a deposit of so much of the said goods, as shall

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in his judgment be sufficient security for the amount of the duties for which the bond shall have been given, and the charge of safe-keeping and sale of the goods so deposited, which shall be kept by the said collector, with due and reasonable care, at the expence and risk of the party or parties on whose account they have been so deposited, until the sum specified in such bond shall have become due; at which time, if such sum shall not be paid, so much of the said deposited goods as may be necessary, shall be sold at public sale, and the proceeds thereof, after deducting the charges of safe-keeping and sale thereof, shall be applied to the payment of such sum, rendering the overplus arising on such sale, and the residue of the goods so deposited, if any there be, to the person or persons by whom such deposit shall have been made, or to his, her, or their agent, or lawful representative:—and all bonds directed to be given by virtue of this, or any other act, for monies or duties to be paid, or services to be performed for the U. S. shall be taken in the name of the U. S. of America: *Provided nevertheless*, That no person whose bond has been received, either as principal or surety for the payment of duties, or for whom any bond has been given by an agent, factor or other person, in pursuance of the provisions herein contained, and which bond may be due and unsatisfied, shall be allowed a future credit for duties until such bond be fully paid or discharged. And to prevent frauds arising from collusive transfers, it is hereby declared, that all goods, wares or merchandise imported into the U. S. shall, for the purposes of this act, be deemed and held to be the property of the persons to whom the said goods, wares or merchandise may be consigned, any sale, transfer or assignment, prior to the entry and payment or securing the payment of the duties on the said goods, wares and merchandise, and the payment of all bonds then due and unsatisfied by the said consignee, to the contrary notwithstanding. And the form of the bond to be taken for securing the payment of duties shall be as follows:

Know all men by these presents, that we [here insert the name of the importer or consignee, or if by an agent the name of such agent, and of the importers or consignees and the sureties, their place of abode and occupation] are held and firmly bound unto the United States of America, in the sum of                      to be paid to the said United States; for payment whereof, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents; sealed with our seals; dated this                      day of                      in the                      year of the independence of the said United States, and in the year of our Lord, one thousand

The condition of this obligation is such, that if the above bounden [here insert the principal, or agent for such principal, and the sureties] or either of them, or either of their heirs, executors or administrators, shall, and do, on or before the                      day of                      next, well and truly pay or cause to be paid, unto the collector of the customs for the district of                      for the time being, the sum of                      or the amount of the duties to be ascertained as due, and



arising on certain goods, wares and merchandise, entered by the above bounden [insert the name of the importer or consignee, or agent for such importer or consignee] as imported in the master from                      as per entry, dated                      then the above obligation to be void, otherwise to remain in full force and virtue.

Sealed and delivered }  
in the presence of }

*ibid.* § 62.

63. The duties imposed by law on the tonnage of any ship or vessel shall be paid to the collector, at the time of making entry of such ship or vessel; and it shall not be lawful to grant any permit or to unlade any goods, wares or merchandise whatever from such ship or vessel, until the said tonnage duty is first paid:—And the register, or other document in lieu thereof, together with the clearance and other papers, granted by the officers of the customs to such ship or vessel at her departure from the port or place from whence she may have arrived (Mediterranean passports excepted) shall previous to such entry be produced to the collector, with whom such entry is to be made, and shall remain in his office; and on the clearance of such ship or vessel, the register and other documents shall be returned to the master or owner of such ship or vessel. *ibid.* § 63.

64. To ascertain the tonnage of any ship or vessel, the surveyor or such other person as shall be appointed by the collector of the district to measure the same, shall, if the said ship or vessel be double decked, take the length thereof from the fore part of the main stem, to the after part of the stern post, above the upper deck, the breadth thereof at the broadest part above the main wales, half of which breadth shall be accounted the depth of such vessel, and shall then deduct from the length, three fifths of the breadth, multiply the remainder by the breadth, and the product by the depth, and shall divide this last product by 95, the quotient whereof shall be deemed the true contents or tonnage of such ship or vessel.—And if such ship or vessel be single decked, the said surveyor or other person, shall take the length and breadth as above directed, in respect to a double decked ship or vessel, shall deduct from the said length three fifths of the breadth, and taking the depth from the under side of the deck plank to the ceiling in the hold, shall multiply and divide, as aforesaid, and the quotient shall be deemed the tonnage of such ship or vessel. *ibid.* § 64.

65. Where any bond for the payment of duties shall not be satisfied on the day it may become due, the collector shall, forthwith and without delay, cause a prosecution to be commenced for the recovery of the money thereon by action or suit at law, in the proper court having cognizance thereof; and in all cases of insolvency, or where any estate in the hands of the executors, administrators or assignees, shall be insufficient to pay all the debts due from the deceased, the debt or debts due to the U. S. on any such bond or bonds, shall be first satisfied; and any executor, administrator, or assignees, or other person, who shall pay any debt due by the person or estate from whom, or for which, they are acting, previous

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to the debt or debts due to the U. S. from such person or estate being first duly satisfied and paid, shall become answerable in their own person and estate, for the debt or debts so due to the U. S. or so much thereof as may remain due and unpaid : and actions or suits at law may be commenced against them for the recovery of the said debt or debts, or so much thereof as may remain due and unpaid, in the proper court having cognizance thereof: *Provided*, That in all cases in which suits or prosecutions shall be commenced for the recovery of duties or pecuniary penalties prescribed by the laws of the U. S. the person or persons against whom process may be issued, shall and may be held to special bail, subject to the rules and regulations which prevail in civil suits in which special bail is required : *And provided also*, That if the principal in any bond, which shall be given to the U. S. for duties on goods, wares or merchandise imported, or other penalty, either by himself, his factor, agent, or other person for him, shall be insolvent, or if such principal being deceased, his, or her estate and effects, which shall come to the hands of his or her executors, administrators or assignees, shall be insufficient for the payment of his or her debts, and if in either of the said cases, any surety on the said bond or bonds, or the executors, administrators or assignees of such surety shall pay to the U. S. the money due upon such bond or bonds, such surety, his or her executors, administrators or assignees, shall have and enjoy the like advantage, priority or preference for the recovery and receipt of the said monies out of the estate and effects of such insolvent, or deceased principal, as are reserved and secured to the U. S. and shall and may bring and maintain a suit or suits upon the said bond or bonds in law or equity, in his, her, or their own name or names, for the recovery of all monies paid thereon.—And the cases of insolvency mentioned in this § shall be deemed to extend as well to cases in which a debtor, not having sufficient property to pay all his or her debts, shall have made a voluntary assignment thereof, for the benefit of his or her creditors, or in which the estate and effects of an absconding, concealed or absent debtor, shall have been attached by process of law, as to cases in which an act of legal bankruptcy shall have been committed. And where suit shall be instituted on any bond for the recovery of duties due to the U. S. it shall be the duty of the court, where the same may be pending, to grant judgment at the return term, upon motion, unless the defendant shall, in open court, the U. S. attorney being present, make oath or affirmation that an error has been committed in the liquidation of the duties demanded upon such bond, specifying the errors alledged to have been committed, and that the same have been notified in writing to the collector of the district, prior to the commencement of the return term aforesaid : whereupon, if the court be satisfied, that a continuance until the next succeeding term, is necessary for the attainment of justice, and not otherwise, a continuance may be granted until next succeeding term and no longer. And on all bonds upon which suits shall be commenced, an interest shall be al-

lowed at the rate of 6 per cent per annum, from the time when said bonds become due, until the payment thereof. *ibid.* § 65.

66. If any goods, wares or merchandise, of which entry shall have been made in the office of a collector, shall not be invoiced according to the actual cost thereof, at the place of exportation, with design to evade the duties thereupon, or any part thereof, all such goods, wares or merchandise, or the value thereof, to be recovered of the person making entry, shall be forfeited; and in every case in which the said collector shall suspect that any such goods wares or merchandise are not invoiced at a sum equal to that for which they have usually been sold in the place or country from whence they were imported, it shall be the duty of such collector to take the said goods, wares or merchandise into his possession and retain the same with due and reasonable care, at the risk and expense of the owner or owners, consignee or consignees thereof, until their value at the time and place of importation shall be ascertained, by 2 reputable merchants, to be chosen and appointed as in the case of damaged goods, or goods not accompanied with an invoice, and until the duties arising, according to such valuation, shall be first paid, or secured to be paid, as required by this act, in other cases of importation:—*Provided*, That in case of a prosecution for the forfeiture aforesaid, such appraisement shall not be construed to exclude other proof upon the trial of the actual and real cost of the said goods at the place of exportation. *ibid.* § 66.

67. It shall be lawful for the collector, naval officer, or other officer of the customs, after entry made of any goods, wares, or merchandise, on suspicion of fraud, to open and examine in the presence of 2 or more reputable merchants, any package, or packages thereof, and if upon examination they shall be found to agree with the entries, the officer making such seizure and examination, shall cause the same to be repacked and delivered to the owner or claimant forthwith; and the expense of such examination shall be paid by the said collector, or other officer, and allowed in the settlement of their accounts; but if any of the packages so examined shall be found to differ in their contents from the entry, then the goods, wares or merchandise contained in such package or packages shall be forfeited; *Provided*, That the said forfeiture shall not be incurred, if it shall be made appear to the satisfaction of the collector and naval officer of the district where the same shall happen, if there be a naval officer, and if there be no naval officer, to the satisfaction of the said collector, or of the court in which a prosecution for the forfeiture shall be had, that such difference proceeded from accident or mistake, and not from an intention to defraud the revenue. *ibid.* § 67.

68. Every collector, naval officer and surveyor, or other person specially appointed by either of them for that purpose, shall have full power and authority to enter any ship or vessel, in which they shall have reason to suspect any goods, wares or merchandise, subject to duty, are concealed, and therein to search for, seize, and secure any such goods, wares or merchandise; and if they shall have



cause to suspect a concealment thereof in any particular dwelling house, store, building, or other place, they or either of them shall upon proper application on oath, to any justice of the peace, be entitled to a warrant to enter such house, store, or other place (in the day time only) and there to search for such goods; and if any shall be found, to seize and secure the same for trial; and all such goods, wares and merchandise, on which the duties shall not have been paid, or secured to be paid, shall be forfeited. *ibid.* § 68.

69. All goods, wares, or merchandise which shall be seized by virtue of this act, shall be put into, and remain in the custody of the collector, or such other person, as he shall appoint for that purpose, until such proceedings shall be had as by this act are required, to ascertain whether the same have been forfeited, or not, and if it shall be adjudged that they are not forfeited, they shall be forthwith restored to the owner or owners, claimant or claimants thereof; and if any person or persons shall conceal or buy any goods, wares or merchandise, knowing them to be liable to seizure by this act, such person or persons shall on conviction thereof forfeit and pay a sum double the amount or value of the goods, wares or merchandise so concealed or purchased. *ibid.* § 69.

70. It shall be the duty of the several officers of the customs, to make seizure of, and secure any ship, or vessel, goods, wares or merchandise which shall be liable to seizure by virtue of this or any other act of the U. S. respecting the revenue, which is now, or may hereafter be enacted, as well without as within their respective districts. *ibid.* § 70.

71. If any officer or other person, executing or aiding or assisting in the seizure of goods, shall be sued or molested for any thing done in virtue of the powers given by this act, or by virtue of a warrant granted by any judge, or justice, pursuant to law, such officer or other person may plead the general issue, and give this act and the special matter in evidence; and if in such suit the plaintiff is nonsuited, or judgment pass against him, the defendant shall recover double costs; and in actions, suits or informations to be brought, where any seizure shall be made pursuant to this act, if the property be claimed by any person, in every such case the *onus probandi* shall be upon such claimant.—And if any person shall forcibly resist, prevent, or impede any officer of the customs or their deputies, or any person assisting them, in the execution of their duty, such person so offending shall for every such offence, be fined in a sum not exceeding 400 dollars.—And if any master, or other person having the charge or command of any ship or vessel coming into, or arriving at any port or place within the U. S. shall obstruct or hinder, or shall be the cause or means of any obstruction or hindrance with such an intent, to any officer of the customs or revenue, in going on board such ship or vessel, for the purpose of carrying into effect any of the revenue laws of the U. S. he shall forfeit for every such offence a sum not exceeding 500 dollars, nor less than 50 dollars; but the *onus probandi* shall lie on the claimant only where probable cause is shewn for such prosecution, to be

## 230 Duties, collection of, on imports and tonnage.

judged of by the court before whom the prosecution is had.  
*ibid.* § 71.

72. The weighers, gaugers, and measurers, employed in the service of the revenue, shall within 3 days after any vessel has discharged, make returns of the articles by them respectively weighed, gauged or measured, out of such vessel—And the form of the return to be made by the weighers respectively, shall be as follows:—

Return of [here insert the number of packages and contents] weighed from on board the [here insert the denomination and name of the vessel] whereof [insert the name] is master, from [insert the port or place from which arrived.]

Date of vessels entry.	To whom con- signed as per permit.	Marks.	Numbers.	Packages.	Contents and quality.	Weight.	Tare as allowed by law.	Tare as marked on the packages.	Amount of drafts.

District of  
Port of

A. B. Weigher.

And the form of the return to be made by the gaugers respectively shall be as follows:

Return of [here insert the number of casks and packages] gauged from on board the [here insert the denomination and name of the vessel] whereof [insert the name] is master, from [insert the port or place from which arrived.]

Date of vessels entry.	To whom con- signed as per permit.	Marks.	Numbers.	Casks or pack- ages.	Contents and quality as mark- ed by the In- spector of the Revenue.	Gauge.	Wantage.	What casks empty or taken to fill up others.

District of  
Port of

C. D. Gauger.

And the form of the return to be made by the measurers respectively, shall be as follows:

Return of the [here insert salt or coal as the case may be] mea- sured from on board the [here insert the denomination and name of the vessel] whereof [insert the name] is master, from [insert the port or place from which arrived.]

Date of vessels entry.	To whom con- signed per per- mit.	Number of bushels in words at length.	Quantity, whe- ther salt or coal.	Average weight of salt per bushel.

District of  
Port of

E. F. Measurer.

And the said returns shall be made by the weighers, gaugers and measurers in books to be prepared by them for that purpose, and kept in the custom-houses. *ibid.* § 72.

73. Every collector, naval officer and surveyor, shall cause to be affixed, and constantly kept in some public and conspicuous place of his office, a fair table of the rates of fees and duties demandable by law, and shall give a receipt for the fees he shall receive, specifying the particulars, whenever required so to do; and in case of failure therein, shall forfeit and pay 100 dollars, to be recovered with costs, in any proper court having cognizance thereof, to the use of the informer; and if any officer of the customs shall demand or receive any greater, or other fee, compensation or reward, for executing any duty or service required of him by law, he shall forfeit & pay 200 dollars for each offence, recoverable in manner aforesaid, for the use of the party aggrieved. And if any inspector, gauger, weigher or measurer shall receive any gratuity, fee or reward for any services performed by virtue of this act, other than is by law allowed, or if any gauger, weigher, or measurer, employed as such by the public, in the districts of Portsmouth, Salem and Beverly, Boston and Charlestown, Providence, New-York, Philadelphia, Baltimore, Norfolk and Portsmouth, or Charleston, shall gauge, weigh or measure, any article or articles other than shall be directed by the proper officer in order to ascertain the duties to be received, or the drawbacks to be allowed thereon, or shall make a return of the weight, gauge or measure of any merchandise laden, or to be laden, on board any ship or vessel for the benefit of drawback upon exportation, without having actually weighed, gauged or measured the same, as the case may require, after such merchandise shall have been notified to the collector and entered for exportation, they shall for the first offence forfeit and pay 50 dollars, and for the second offence shall forfeit 200 dollars, and be discharged from the public service; and if any inspector or other officer of the customs shall certify the shipment of any merchandise entitled to drawback on exportation, without having duly inspected and examined the same, after he shall have received the permit for lading such merchandise, or, if the amount of such drawback shall be estimated according to weight, gauge or measure, until such merchandise shall be first weighed,



gauged or measured, as the case may require, he shall be subject to the like forfeitures, and be discharged from the public service. *ibid.* § 73.

74. All duties and fees to be collected shall be payable in money of the U. S. or in foreign gold and silver coins, at the following rates; that is to say; The gold coins of Great-Britain and Portugal of the standard prior to the year 1792, at the rate of 100 cents for every 27 grains of the actual weight thereof; the gold coins of France, Spain and the dominions of Spain, of the standard prior to the year 1792, at the rate of 100 cents for every 27 grains and two-fifths of a grain of the actual weight thereof; Spanish milled dollars at the rate of 100 cents for each dollar, the actual weight whereof shall not be less than 17 penny weights & 7 grains, and in proportion for the parts of a dollar; Crowns of France at the rate of 110 cents for each crown, the actual weight whereof shall not be less than 18 penny weights and 17 grains, and in proportion for the parts of a crown. *Provided*, That no foreign coins shall be receivable which are not by law a tender for the payment of all debts, except in consequence of a proclamation of the President of the U. S. authorizing such foreign coins to be received in payment of the duties and fees aforesaid. *ibid.* § 74.

75. A drawback of duties as prescribed by law shall be allowed & paid on all goods, wares or merchandise imported into the U. S. in respect to all such goods, wares and merchandise, whereupon the duties shall have been paid, or secured to be paid, as, within 12 calendar months after payment made, or security given, shall be exported to any foreign port or place, other than the dominions of any foreign state immediately adjoining to the U. S. either from the district of original importation, or from certain other districts; and all duties, drawbacks and allowances which shall be payable, or allowable, on any specific quantity of goods, wares, or merchandise, shall be deemed to apply in proportion to any greater or lesser quantity; *Provided*, that no goods, wares and merchandise imported, shall be entitled to a drawback of the duties paid, or to be secured thereon, unless the duties so paid, or secured thereon shall amount to 50 dollars at least; nor unless they shall be exported in the original casks, cases, chests, boxes, trunks or other packages, in which they were imported, without diminution or change of the articles which were therein contained, at the time of importation, in quantity, quality or value, necessary or unavoidable wastage or damage only excepted; *Provided always*, That it shall be lawful for the exporter, or exporters of any liquors in casks, coffee in casks or other packages, cocoa in casks or other packages, or any unrefined sugars, to fill up the casks or packages out of other casks or packages included in the same original importation, or into new casks, or packages corresponding therewith, to be marked and numbered as the original casks or packages, in case the original casks or packages shall, in the opinion of the officer appointed to examine the same, be so injured as to be rendered unfit for exportation, and in no other case; *Provided*

further, That the filling up or change of package be done under the inspection of a proper officer, appointed for that purpose by the collector & naval officer, where any, of the port or place, from which such liquors, coffee, or unrefined sugars are intended to be exported; and the drawback on articles so filled up, or of which the packages have been changed, shall not be allowed without such inspection.

And where articles are imported in bulk, they shall be exported in the packages, if any, in which they were landed; for which purpose the officer delivering the same, shall return the packages they may be put into, if any, with their marks and numbers, and they shall not be entitled to drawback, unless exported in such packages, which shall be deemed the packages of original importation, nor unless they fully agree with the return made by the said officer; and in respect to distilled spirits, wines, or teas, the certificates issued by the inspector of the revenue for such spirits, wines, or teas, shall be given up, and the drawback shall not be allowed on any such spirits, wines or teas, as do not agree on examination with the certificates so given up. *ibid.* § 75.

76. In order to entitle the exporter or exporters of any goods, wares or merchandise to the benefit of the said drawback, or allowances, he or she shall, previous to putting or lading the same on board of any ship or vessel for exportation, give 24 hours notice at least to the collector of the district from which the same are about to be exported, of his, her, or their intention to export the same (unless in the case of distilled spirits, when 6 hours notice shall be deemed sufficient) & shall make entry in writing of the particulars thereof, and of the casks, cases, chests, boxes and other packages or parcels containing the same, or of which the same shall consist, and of their respective marks, numbers, and contents, and if imported articles, the name of the ship or vessel and master's name in which the person or persons, for or by whom, and the place or places from which they were imported, also the district into which the said goods, wares or merchandise were imported, if other than the district from which they are intended to be exported:—And the form of the said entry shall be as follows:

Entry of merchandise intended to be exported by [here insert the name or names] on board of the [insert the denomination and name of the vessel] whereof [insert the name of the master] is master, for [insert the port or place to which destined] for the benefit of drawback, which were imported into the district of [insert the district of original importation] on the [insert the date of importation] by [insert the name of the importer] in the [insert the denomination and name of the vessel] from [insert the foreign port or place whence they were imported] and brought into the district on the [insert the date of the vessels entry] in the [insert the denomination and name of the vessel and master] from [insert the port from whence they arrived.]

Marks.	Numbers.	Packages and contents.	Net cost or ad valorem articles as having paid duties.	Weight or gauge.	Tare and draft, or allowance for leakage.

And in respect to the said imported articles, proof shall be made to the satisfaction of the collector and naval officer, where there is any naval officer, by the oath of the person or persons (including the exporter or exporters) through whose hands the said articles shall have passed, according to the best of their knowledge and belief, respecting the due importation of the said articles according to law, and in conformity to such notice of their identity, and of the payment, or securing the payment of the duties thereupon; *Provided*, That if through actual sickness or absence of the importer or other person, through whose hands the said goods, wares or merchandise intended to be so exported may have passed, and not otherwise, the proof required of them, or either of them, shall and may be accepted of from their known agent, factor, or the person who usually transacts their business: And the said collector, shall direct the surveyor, where any, to inspect or cause to be inspected the goods, wares or merchandise so notified for exportation, and if they shall be found to correspond fully with the notice and proof concerning the same, the said collector, together with the naval officer, if any there be, shall grant a permit for lading the same on board of the ship or vessel named in such notice and entry, as aforesaid: which lading shall be performed under the superintendence of the officer by whom the same shall have been so inspected; and the said exporter or exporters shall likewise make oath that the said goods, so noticed for exportation, and laden on board such ship or vessel, previous to the clearance thereof, or within 10 days after such clearance, are truly intended to be exported to the place whereof notice shall have been given, and are not intended to be re-landed within the U. S. otherwise the said goods, wares and merchandise shall not be entitled to the benefit of drawback.

And the form of the direction to the surveyor of the port, where any, or to the officer who may inspect the said goods: and the permit for lading the said goods for exportation, shall be as follows:—

District of  
Port of

The surveyor will cause the articles specified in [insert the name of the person making entry] entry to be examined, & if found to

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agree exactly therewith, will have them [weighed, gauged, or measured, as the case may require] and then permit the same to be laden on board the [insert the denomination and name of the vessel, and the master's name] master, for [insert the port of destination] for benefit of drawback.

A. B. Collector.

C. D. Naval Officer.

To the surveyor of  
the Port of

And in cases where the persons making entry, as aforesaid, are the persons by whom the goods, wares or merchandise, intended to be exported, were originally imported into the U. S. the said entry shall, after the lading of the said goods, be verified in manner following, to wit :

I (insert the name) do solemnly, sincerely and truly swear (or affirm) that the articles specified in the above, or annexed entry, were imported by me (or consigned to me, as the case may be) in the (insert the denomination and name of the vessel) whereof (insert the name) was master, from (insert the name of the port or place where from) that they were duly entered by me, at the custom house of this port, and the duties paid (or secured to be paid thereon, as the case may be) that they are the same in quantity, quality, package (and value, if articles paying an ad valorem duty) as at the time of importation, necessary or unavoidable wastage or damage only excepted, and are now actually laden on board the (insert denomination and name of the vessel) whereof (insert the name) is master : and that they are truly intended to be exported by me in the said vessel, to the port of (insert the name of the port or place) and are not intended to be re-landed within the limits of the United States. So help me God.

And the oath or affirmation to be taken by the importer, when goods are sold, to be exported by another person, shall be as follows :—

I [insert the name] do solemnly, sincerely and truly swear [or affirm] that the articles specified in the above or annexed entry, as imported by, [or consigned to me, as the case may be] were truly imported by or consigned to me, in the [insert denomination or name of the vessel] whereof [insert the name] is master, from [insert the port or place] that they were duly entered by me at the custom house of and the duties thereon paid [or secured to be paid, as the case may be] that they were the same in quantity, quality, package, necessary or unavoidable wastage or damage only excepted [and value, if articles paying an ad valorem duty] at the time of sale or delivery to [insert the name of the person or persons to whom sold or destined] as at the time of importation. So help me God.

And the oath or affirmation to be taken, where goods are exported by a person, other than the importer, shall be as follows :

I (insert the name) do solemnly, sincerely and truly swear (or affirm) that the articles specified in the above or annexed entry,

were purchased by me, of (insert the name of the person or persons from whom purchased) that they are now actually laden on board of the (insert the denomination and name of the vessel) whereof (insert the name) is master, and were at the time of such lading, and are now the same in quantity, quality, package, necessary or unavoidable wastage or damage only excepted (and value, if articles paying an ad valorem duty) as at the time of purchase, that they are truly intended to be exported by me, in the said vessel, to the port of (insert the name of the port or place) and are not intended to be re-landed within the limits of the United States. So help me God.

And the oath or affirmation to be taken by any other person than the importer or exporter of merchandise, who may have bought and sold the same, or in whose possession the same may have been, shall be as follows :—

I (insert the name) do solemnly, sincerely and truly swear (or affirm) that the articles of merchandise, specified in this entry, were purchased by me from (insert the name of the person from whom purchased) and were sold by me to (insert the name of the person to whom sold) and that they were not, to the best of my knowledge or belief, altered, or in any respect changed, in quantity, quality, value or package, necessary or unavoidable wastage or damage only excepted, while in my possession, or from the time of said purchase until the time of said sale. So help me God. *ibid.* § 76.

77. The districts from which goods, wares or merchandise may be exported, subject to drawback, shall be only the districts of original importation, and those ports at which vessels from the Cape of Good Hope, or from any place beyond the same, are permitted to make entry ; *Provided nevertheless*, That such goods, wares, or merchandise, as are imported into a district other than the one from whence they are to be exported, shall not be entitled to drawback, unless they shall be accompanied with a certificate from the collector of the district, and naval officer of the same, if any there be, into which they were originally imported, specifying the marks, numbers and descriptions of the casks or other packages, with the names of the master and vessel, in which, the time when, and the place from whence they were imported, and where the articles are subject to duty, by weight, measure or gauge, the quantity thereof ; and where they are articles subject to duty ad valorem, the net amount of each package, on which duty has been paid or secured to be paid ; and in all cases the amount of the duties paid, or secured to be paid thereon, and by whom, and the names of the vessel and master, in which they are shipped from such district, and by whom ; and in order to entitle any person to such certificate, he, she or they shall make out an entry of all such goods, wares and merchandise, specifying the marks, numbers, and descriptions of the casks or packages, and their contents, the names of the master and vessel in which, the time when, by whom, and the place from which they were imported, the names of the mas-

ter and vessel in which they are intended to be laden, and district in the U. S. to which they are destined; and shall moreover prove the truth of such entry, in like manner as is before required; for goods, wares and merchandise, exported from a district of original importation; which requisites being complied with, and the collector and naval officer, if any there be, satisfied therewith, they shall grant such certificate; and such goods, wares or merchandise shall be entered with the collector of the district into which they shall be brought from the port or place of their original importation, by the person or persons so importing them, or to whom they may be consigned, specifying the names of the master and vessel in which, and the district from whence they are imported, together with the particulars of the packages, their marks, numbers, and their contents, and shall obtain a permit for the same, previous to the landing or unlading thereof; and any goods, wares or merchandise, landed without such entry being made, and permit obtained, shall not be entitled to be exported subject to drawback.

And the form of an entry of goods to be transported coastwise, for the purpose of being exported from another district, for the benefit of drawback, shall be as follows:—

Entry of merchandise intended to be shipped by (insert the name or names) on board the (insert the denomination and name of vessel) whereof (insert the name) is master, for (insert the port and district where bound) to be exported from thence for the benefit of drawback, which were imported into this district on the (insert the date of the vessel's entry in which they were imported) by (insert the name of the importer) in the (insert the denomination and name of the vessel, and master's name) from (insert the name of the foreign port or place.)

Marks.	Numbers.	Packages and contents.	Cost of articles paying duty ad valorem.	Weight or gauge.	Tare and draft or allowance for leakage.

And the form of a certificate for the transportation coastwise, of goods intended to be exported to another district, to be granted in pursuance of the entry aforesaid, shall be as follows:—

District of

Port of

We certify, that the merchandise herein after specified, which are now shipped by \_\_\_\_\_ on board the \_\_\_\_\_ of \_\_\_\_\_ master,



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bound for the port \_\_\_\_\_ were duly imported into this district, on  
the \_\_\_\_\_ day of \_\_\_\_\_ by \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ master, from  
\_\_\_\_\_ and the duties thereon paid, or secured to be paid, accord-  
ing to law.

Tare allowed.	Marks.	Numbers.	Packages, con- tents, value and rates of duty collected or se- cured.	Amount of duties.
			Here insert each pack- age in detail, the con- tents, quality and va- lue, if articles subject to duties ad valorem, with the rates of duty collected or secured, as the case may require.	

The amount of duties, paid or secured, being \_\_\_\_\_ dollars.

A. B. Collector.

C. D. Naval Officer.

And the form of an entry for goods arriving coastwise, accom-  
panied with a certificate as aforesaid, for the purpose of obtaining  
a drawback, shall be as follows :—

Entry of merchandise, transported coastwise, for (insert the  
name or names of the consignee) in the (insert denomination and  
name of the vessel) whereof (insert the name) is master, from (in-  
sert the name of the port or district) for the purpose of being ex-  
ported from the district of (insert the district in which they are to  
be unladen) for the benefit of drawback ; which were imported in  
the district of (insert the district of original importation) on the  
(insert the date of importation) by (insert the importer's name)  
in the (insert the denomination and name of the vessel, and master's  
name) from (insert the foreign port or place from whence im-  
ported.)

Marks.	Numbers.	Packages	Contents.

And on making the said entry, an oath or affirmation shall be  
taken, which shall be of the form following, to wit :

I (insert the name) do solemnly, sincerely and truly swear (or  
affirm) according to the best of my knowledge and belief, that the  
entry by me subscribed is just and true, that the merchandise

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therein mentioned have been duly imported and the duties thereupon paid, or secured to be paid, according to law.

And the form of a permit for unlading goods transported coastwise, with a certificate as aforesaid, for the purpose of obtaining a drawback, shall be as follows :—

Port of

Permit (insert the name of the person making entry) to land, from on board the (insert denomination and name of vessel, and name of master) master from (insert the port and district from which arrived, and the number of packages and contents, with their marks and numbers, agreeable to entry) having been brought coastwise from thence, for the purpose of being exported from this district, for the benefit of drawback.

A. B- Collector.

C. D. Naval Officer.

To the surveyor  
of the port of

*ibid* § 77.

78. When any goods, wares, or merchandise, subject to drawback, shall be entered for exportation from any other district than the one into which they were originally imported, the person intending to export the same, besides producing the certificate herein before directed, shall give the same notice, and make entry in like manner, and the goods, wares and merchandise, therein expressed, shall undergo the same examination, and shall be laden on board under regulations, in all respects conformable to what is required by law, relative to goods, wares and merchandise entitled to drawback, and intended to be exported from the place of original importation. *ibid.* § 78.

79. All goods, wares and merchandise, duly imported into either of the districts of Philadelphia, New-York, and Baltimore, or into the ports of Boston and Providence, which shall be transported in part by water, and in part by land conveyance, from the port of Philadelphia, by the way of Burlington, Bordenton, Lamberton, or New-Brunswick and South-Amboy, to New-York; or from the port of New-York, by the way of South-Amboy, New Brunswick, or Lamberton, Bordenton, or Burlington, to Philadelphia; or from the port of Philadelphia, by way of Wilmington, Newport, Christiana-Bridge, New-Castle, Port-Penn, or Appoquinimink and Elkton, Frenchtown, or Bohemia, to Baltimore; or from the port of Baltimore by the way of Elkton, Bohemia, or Frenchtown, and Port-Penn, Appoquinimink, New-Castle, Christiana-Bridge, Newport or Wilmington to Philadelphia, and which being imported into Philadelphia, shall be exported from Baltimore or New-York, or being imported into Baltimore or New-York, shall be exported from Philadelphia, or shall be transported by land conveyance, from Boston to Providence, by the post road, or from Providence to Boston by the same road, and which being imported into Boston, shall be exported from Providence, or being imported into Providence, shall be exported from Boston; shall be entitled to the benefit of a drawback of the duties, upon exportation to any fo-

reign port or place, under the same provisions, regulations, restrictions, and limitations, as if the said goods, wares and merchandise were transported coastwise from one to another of the said districts, and also upon the conditions following, to wit:— That due entry shall be made with the collector of the district, from which it shall be intended to transport any goods, wares or merchandise, as aforesaid, in like manner as is required in respect to the transportation thereof coastwise, in pursuance of this act; and the said collector shall cause the goods, wares and merchandise, so entered, to be inspected and marked in durable characters, by an officer of the customs, with the name of the said officer, and the date on which such inspection shall be made; and shall grant a permit for the transportation thereof, as aforesaid, therein designating the route, and expressing the marks, numbers and contents of each chest, bale, box or other package, and all other particulars required by this act, to be inserted in a certificate for the transportation coastwise, of goods, entitled to drawback, and shall and may, whenever he may deem the same necessary for the security of the revenue, cause each chest, bale, box or other package, so permitted to be transported, to be secured with proper fastenings or under the seal of his office—and upon the arrival of any goods, wares or merchandise, transported under a permit as aforesaid, and within 24 hours thereafter, report and entry shall be made to the collector of the district, as in the case of goods transported coastwise, pursuant to this act, at which time the permit aforesaid shall be surrendered, and the goods, wares or merchandise shall be inspected and compared therewith; and on being found to agree, shall be entitled to drawback, on the exportation thereof to a foreign port or place, and not otherwise. And if any goods, wares or merchandise, so permitted to be transported as aforesaid, shall be transported by any other route, than that expressed in the permit, to be granted as aforesaid, or shall not be accompanied with the said permit, or if due entry shall not be made, at the port of arrival, as above required, and if the permit granted as aforesaid shall not be surrendered, or if the said goods, wares and merchandise shall be unpacked, or the contents, or any part thereof, changed before entry and inspection at the port of arrival, as above required, or if any mark, fastening or seal, placed thereon by direction of any officer of the customs, shall be defaced or broken, in each and every such case, the goods, wares or merchandise, in respect to which such omission or wrong doing shall happen, or the value thereof, shall be forfeited and recovered of the person or persons, making default in either of the cases aforesaid. *ibid.* § 76.

80. For all goods, wares, or merchandise, entitled to drawback, which shall be exported from the district into which they were originally imported, the exporter or exporters shall be entitled to receive from the collector of such district, a debenture or debentures, for the amount of the drawback, to which such goods, wares, or merchandise are entitled, payable at the same time or times, respectively, on which the duties on the said goods, wares

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or merchandise shall become due. And it shall be the duty of the said collector, to discharge such debentures, out of the product of the duties arising on the importation of the goods exported as aforesaid.

*Provided*, That in respect to any goods, wares or merchandise, on which the whole or any instalment of the duties shall have been paid prior to an entry for exportation, the debenture for the amount of the drawback of such duties as shall have been paid, shall be made payable in 15 days, to be computed from the time of signing the bond, to be given as hereinafter directed. *And provided*, That all debentures shall be issued and made payable to the original importer or importers of the goods, wares and merchandise, entered for exportation, whenever the same shall be requested, in writing, by the exporter or exporters, and not otherwise.

And where any goods, wares or merchandise, are exported from any other district than the one into which they were originally imported, it shall be the duty of the collector of such district, together with the naval officer thereof, where there is one, to grant to the exporter or exporters, a certificate, expressing that such goods, wares and merchandise, were exported from such district, with the marks, numbers, and descriptions of the packages and their contents, the names of the master and vessel in which, and the port to which they were exported, and by whom, and the names of the vessel and master in which they were brought, and by whom shipped at the district from whence they came, and the amount of the drawback to which they are entitled; and such certificate shall entitle the possessor thereof, to receive from the collector of the district with whom the duties on the said goods were paid, or secured to be paid, a debenture or debentures, for the amount of the drawback expressed in the said certificate, or certificates, payable at the same time, and in like manner as is herein directed for debentures on goods, wares or merchandise, exported from the port or place of original importation; *Provided, nevertheless*, That the collector aforesaid, may refuse to grant such debenture or debentures, in case it shall appear to him that any error has arisen, or any fraud has been committed; and in case of such refusal, if the debenture or debentures claimed shall exceed 100 dollars, it shall be the duty of the said collector to represent the case to the comptroller of the treasury, who shall determine whether such debenture or debentures shall be granted or not. *And provided always*, That in no case of an exportation of goods shall a drawback be paid, until the duties on the importation thereof shall have been first received.

And the form of a certificate to be granted on the exportation to a foreign port, of goods, wares or merchandise, from a district, other than the district into which such goods were originally imported, shall be as follows:—

District of  
Port of  
G g

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We hereby certify; that the merchandise herein after specified, which were imported into the district of \_\_\_\_\_ on the \_\_\_\_\_ of \_\_\_\_\_ by \_\_\_\_\_ in the \_\_\_\_\_ of \_\_\_\_\_ master, from \_\_\_\_\_ and land- ed in this district, in the month of \_\_\_\_\_ out of the \_\_\_\_\_ of \_\_\_\_\_ master, from \_\_\_\_\_ (having been previously entered at this office by \_\_\_\_\_) have been exported hence by \_\_\_\_\_ in the \_\_\_\_\_ belonging to \_\_\_\_\_ master, bound for \_\_\_\_\_ having been previously inspected and (weighed, gauged, or measured, as the case may require) and that the said \_\_\_\_\_ with \_\_\_\_\_ both of \_\_\_\_\_ have entered into bond in pur- suance of the laws in that case made and provided.

Marks.	Numbers.	Packages, contents, and rates of duties.	Amount of duties.
		Here insert, in detail, the packages export- ed, their quality, and contents, the value, if article subject to duties <i>ad valorem</i> , the tare, if articles on which tare is allowed, and the rates of du- ties.	

Net amount of drawbacks payable, \_\_\_\_\_ dollars and \_\_\_\_\_ cents.

A. B. Collector  
C. D. Naval Officer.

And the form of the debentures, to be issued as aforesaid, shall be as follows :—

No. \_\_\_\_\_ District of \_\_\_\_\_  
Debenture for \_\_\_\_\_ Port of \_\_\_\_\_

In pursuance of law, I hereby certify, that the sum of (here in- sert the amount) will be due from the United States of America, payable at this office, to (here insert the name of the exporter, or his known agent or attorney) or order, on the (here insert the time when payable) for drawback of duties on merchandise im- ported by (here insert the name of the importer and the denomi- nation and name of the vessel in which they were imported) and exported by the said (here insert the name of the exporter) Pro- vided the duties arising on the importation of the said merchandise shall have been discharged prior to the said time.

A. B. Collector.

Countersigned,  
C. D. Naval Officer.

And for the purpose of maintaining the credit of the said deben- tures, it is hereby declared, that the debentures to be issued as a- fofesaid, shall be assignable by delivery & endorsement of the par- ties, who may receive the same; and in all cases where payment shall be refused by the collectors of the district where the said de-

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debentures were granted, in consequence of the non-payment of the duties which accrued on the importation of the goods for which such debentures were issued, for a longer time than 3 days after the same shall have been due and payable, said refusal to be proved in the same manner as in the case of non-payment of bills of exchange, it shall be lawful for the possessor or assignee of any debenture, upon which payment has been refused as aforesaid, to institute and maintain, in the proper circuit or district court of the U. S. a suit against the person to whom such debenture was originally granted, or against any endorser thereof, whereby to recover the amount of such debenture, with interest at the rate of 6 per centum per annum, from the time when the same became due and payable. And in all suits for the recovery of money upon debentures issued by the collectors of the customs as aforesaid, it shall be the duty of the court in which such suits shall be pending, to grant judgment at the return term, unless the defendant or defendants shall, in open court, exhibit some plea, on oath or affirmation, by which the court shall be satisfied, that a continuance until the next succeeding term, is necessary to the attainment of justice; in which case, and not otherwise, a continuance until the next term may be granted. *ibid.* § 30.

81. Before the receipt of any debenture, in case of exportation from the district or original importation, and in case of exportation from any other district before the receipt of any such certificate, as is herein before required to be granted, the person, applying for such debenture or certificate, shall, previous to such receipt, and before the clearance of the vessel in which the merchandise were laden for exportation, or within 10 days after such clearance, give bond, with 1 or more sureties, to the satisfaction of the collector, who is to grant such debenture or certificate, as the case may be, in a sum equal to double the amount of the sum for which such debenture or certificate is granted, conditioned, that the said goods, or any part thereof, shall not be re-landed in any port or place within the limits of the U. S. and that the said exporter or exporters, shall produce, within the time herein limited, the proofs and certificates required of the said goods, wares and merchandise having been delivered without the limits aforesaid.

And the form of the bond aforesaid, shall be as follows:—

Know all men by these presents, that we                      of the                      of  
are held and firmly bound to the United States of America,  
in the sum of                      for the payment of which, well and truly to be  
made, we bind ourselves, our heirs, executors and administrators,  
jointly and severally, by these presents. Witness our hands and  
seals, this                      day of                      one thousand

Whereas the following merchandise has been duly imported into the United States, to wit: (here particularize the person or persons by whom the several articles were imported, the denomination and name of the vessel, master's name, from whence, into what district, and when imported, together with the marks, numbers, description of, and number of packages, with their contents) which said merchandise hath been re-shipped by the above bounden



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in order to export the same in the      of      master, now  
in the port of      and bound for

The condition of this obligation therefore is such, that if the a-  
foresaid recited merchandise, or any part thereof, be not relanded  
in any port or place within the limits of the United States, and  
if the certificates and other proofs required by law of the delivery  
of the same at the aforesaid port of      or at any other  
port or place without the limits of the United States, as aforesaid,  
shall be produced at this office, within      from the date here-  
of, then this obligation shall be null and void, but otherwise to re-  
main in full force and virtue.

Sealed and delivered }  
in the presence of }

All bonds which may be given for any goods, wares or mer-  
chandise, exported from the U. S. and on which any drawback  
of duties or allowances shall be payable, in virtue of such expor-  
tation, shall and may be discharged, and not otherwise, by pro-  
ducing within 1 year from the date thereof, if the exportation be  
made to any port of Europe or America, or within 2 years, if made  
to any part of Asia or Africa, a certificate under the hand of the  
consignee at the foreign port or place to whom the said goods,  
wares and merchandise shall have been addressed, therein parti-  
cularly setting forth and describing the articles so exported, their  
marks, numbers, description of packages, the number thereof, and  
their actual contents, and declaring that the same have been re-  
ceived by them, from on board the vessel, specifying the names of  
the master and vessel, from which they were so received, and where  
such goods, wares or merchandise, are not consigned or addressed  
to any particular person at the foreign port or place, to which the  
ship or vessel is destined, or may arrive, but where the master, or  
other person on board such ship or vessel may be the consignee of  
such goods, wares or merchandise, a certificate from the person or  
persons to whom such goods, wares and merchandise may be sold  
or delivered, by such master, or other person, shall be produced  
to the same effect, as that required if the person or persons re-  
ceiving the same were originally intended to be the consignee or  
consignees thereof. And in addition to the certificate aforesaid,  
it shall be necessary to produce a certificate under the hand and  
seal of the consul or agent of the U. S. residing at the said place,  
declaring either that the facts stated in the certificate of such con-  
signee, or other person aforesaid, are to his knowledge true, or  
that such certificate is deserving of full faith and credit; which  
certificates of the consignee, or other person, and consul, or agent,  
shall, in all cases, as respects the landing or delivery of the said  
goods, wares or merchandise, be confirmed by the oath or affir-  
mation of the master and mate, if living, or in case of their death,  
by the oath or affirmation of the 2 principal surviving officers of  
the ship or vessel in which the exportation shall be made; and in  
all cases where there shall be no consul or agent of the U. S. resid-  
ing at the said place of delivery, the certificate of the consignee,

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or other person herein before required, shall be confirmed by the certificate of 2 reputable American merchants residing at the said place, or if there are no such American merchants, then by the certificate of 2 reputable foreign merchants, testifying that the several facts stated in such consignee, or other person's certificate, are, to their knowledge, just and true, or that such certificate is, in their opinion, worthy of full faith and credit; which certificate shall also be supported by the oath or affirmation of the master and mate, or other principal officers of the vessel in manner as before prescribed, which oath or affirmation of the said master and mate, or other principal officers, shall, in all cases, when taken at a foreign port or place, be taken and subscribed before the consul or agent of the U. S. residing at such foreign port or place, if any such consul or agent reside thereat.

And in cases of loss by sea, or by capture or other unavoidable accident; or when, from the nature of the trade, the proofs and certificates before required are not, and cannot be procured, the exporter or exporters shall be allowed to adduce to the collector of the port of exportation such other proofs as they may have, and as the nature of the case will admit: which proofs shall, with a statement of all the circumstances attending the transaction, within the knowledge of such collector, be transmitted to the comptroller of the treasury, who shall have power to allow a further reasonable time for obtaining the proofs aforesaid; or if he be satisfied with the truth and validity of the proofs adduced, to direct the bond or bonds of such exporter or exporters, to be cancelled: *Provided*, That if the amount of such bond shall not exceed the penal sum of 200 dollars, the collector, with the naval officer, where there is one, & alone, where there is none, may, pursuant to such rules as shall be prescribed by the comptroller of the treasury, admit such proof as may be adduced; and if they deem the same satisfactory, cancel such bond accordingly.

And the form of the certificate of a consignee, declaring the delivery of merchandise at a foreign port, shall be as follows:

I (A. A. or we B. B. and C. C.) of the (city or town) of (merchant, or merchants, and copartners in trade) do hereby certify, that the goods or merchandise herein after described, have been landed in this (city, town or port) between the and days of from on board the of whereof G. G. is at present master, viz. (here insert the particular articles delivered in manner following, as the case may require; namely)

- |  |   |  |
|--|---|--|
| A. B. No. 1. a 10. ten<br>hogsheads                          | } | Containing fourteen<br>thousand pounds<br>weight of coffee.                  |
| C. D. N. 3. 6. 9. 15.<br>four tierces                        |   |  |
| E. F. No. 14. 18.<br>22. 25. 27. 30.<br>33. 36.              | } | Eight hogsheads, containing<br>ten thousand pounds weight<br>of brown sugar. |
| G. H. No. 21. a 30.  |   |  |
| Ten chests, containing seven hundred weight<br>of hyson tea. |   |  |

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I. K. 7. 16. 19. Three bales, containing one hundred and fifty (pieces of nankeen—) which, according to the bills of lading for the same, were shipped on board the \_\_\_\_\_ at the port of \_\_\_\_\_ in the United States of America, on or about the \_\_\_\_\_ day of \_\_\_\_\_ and consigned to (me or to us) by \_\_\_\_\_ of \_\_\_\_\_ aforesaid, merchant (or by the master of the said \_\_\_\_\_) Given under (my or our) hands, at the \_\_\_\_\_ (city of) \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_

And the form of the oath or affirmation of the principal officers of a vessel, confirming the landing of merchandise at a foreign port, shall be as follows :

Port of \_\_\_\_\_

We G. E. master, and H. H. mate of the \_\_\_\_\_ of \_\_\_\_\_ lately arrived from the port of \_\_\_\_\_ in the United States of America, do solemnly (swear or affirm) that the goods or merchandise enumerated and described in the preceding certificate, dated the \_\_\_\_\_ day of \_\_\_\_\_ and signed by A. A. of the city of \_\_\_\_\_ merchant, were actually delivered at the said port, from on board the said \_\_\_\_\_ with- in the time specified in the said certificate.

Sworn or affirmed at the city of \_\_\_\_\_ before me, this \_\_\_\_\_ day of \_\_\_\_\_

And the form of a verification of the delivery of merchandise at a foreign port, to be executed by a consul or agent of the United States, shall be as follows :

I M. M. (consul or agent of) the United States of America, at the city of \_\_\_\_\_ do declare, that the facts set forth in the preceding certificate, subscribed by A. A. of the said city, merchant, and dated the \_\_\_\_\_ day of \_\_\_\_\_ are, to (my knowledge, just and true, or are in my opinion just and true, and deserving full faith and credit.)

In testimony whereof, I have hereunto subscribed my name, and affixed the seal of my office, at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ M. M. Consul.

And the form of a verification of the delivery of merchandise, to be executed by American or foreign merchants, as the case may require, shall be as follows :

We \_\_\_\_\_ residing in the city of \_\_\_\_\_ do declare, that the facts stated in the preceding certificate, signed by \_\_\_\_\_ of the said (city) merchant on the \_\_\_\_\_ day of \_\_\_\_\_ are (to our knowledge, just and true, or are in our opinion, just and true, and worthy of full faith and credit.) We also declare that there is (no consul or other public agent for the United States of America, or American merchants, as the case may require) now residing at this place.

Dated at the city of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_

R. S.

T. L.

And it shall be lawful for the consuls or agents of the U. S. residing at the foreign ports, to demand 25 cents for administering each oath or affirmation aforesaid, and 1 dollar for granting each certificate as aforesaid; and if any consul or agent shall demand other or greater fees, than are allowed as aforesaid, his bond shall be forfeited. *ibid.* § 81.

82. If any goods, wares or merchandise, entered for exportati-



tion, with intent to drawback the duties, or to obtain any allowance given by law, on the exportation thereof, shall be landed within any port or place within the limits of the U. S. as aforesaid, all such goods, wares, or merchandise shall be subject to seizure and forfeiture, together with the ship or vessel from which such goods, wares or merchandise shall be landed, and the vessels or boats used in landing the same: and all persons concerned therein shall on indictment and conviction thereof, suffer imprisonment for a term not exceeding 6 months; and for discovery of frauds, and seizure of goods, wares or merchandise, relanded contrary to law, the several officers, established by this act, shall have the same powers, and in case of seizure, the same proceedings shall be had, as in the case of goods, wares and merchandise imported contrary to law. *ibid.* § 82.

83. On all pickled fish of the fisheries of the U. S. exported therefrom, there shall be allowed and paid a bounty of 30 cents per barrel; and on all provisions salted within the U. S. (dried fish excepted) there shall be allowed & paid a bounty of 25 cents per barrel, to be paid by the collector of the district from which the same shall be so exported, without any deduction or abatement: *Provided*, that in order to entitle the exporter or exporters of such pickled fish or salted provisions to the benefit of such bounty or allowance, the said exporter or exporters shall make entry with the collector and naval officer of the district, from whence the said pickled fish or salted provisions are intended to be exported, and shall specify in such entry the names of the master and vessel in which, and the place where such provisions or fish are intended to be exported, together with the particular quantity of each, whether pickled fish or salted provisions, and the species thereof; and proof shall be made to the satisfaction of the collector of the district from which such articles are intended to be exported, and of the naval officer thereof, where any, that the same, if fish, are of the fisheries of the U. S. if salted provisions, that they were salted within the U. S. and no entry shall be received as aforesaid, of any pickled fish or salted provisions, which have not been inspected and marked, pursuant to the inspection laws of the respective states, where inspection laws are in force, in regard to any pickled fish or salted provisions; and the casks, containing such fish or provisions, shall be branded with the words, "for bounty," with the name of the inspector or packer, the species and quality of the fish contained therein, and the name of the port of exportation; and the collector of such district shall, together with the naval officer where there is one, grant an order or permit for an inspector to examine the pickled fish or salted provisions, or both, as expressed in such entry, and if they correspond therewith, and the said officer is fully satisfied, that they are, if fish, of the fisheries of the U. S. or if provisions, salted therein, to lade the same agreeably to such entry on board the ship or vessel therein expressed; which lading shall be performed under the superintendence of the officer examining the same, who shall make returns of the quantity and

quality of pickled fish, or salted provisions, so laden on board, in virtue of such order or permit, to the officer or officers granting the same. And the said exporter or exporters, when the lading is completed, and after returns thereof have been made, as above directed, shall make oath or affirmation, that the pickled fish, or salted provisions expressed in such entry, and then actually laden on board the ship or vessel as therein expressed, are truly and bona fide, if pickled fish, of the fisheries of the U. S. if salted provisions, salted therein; that they are truly intended to be exported as therein specified, and are not intended to be re-landed within the limits of the U. S. and shall also give bond in double the amount of the duty, bounty, or allowance to be received, with 1 or more sureties to the satisfaction of the collector of the port or place from which the said pickled fish, or salted provisions, are intended to be exported, conditioned that the same shall be landed and left at some foreign port or place without the limits aforesaid; which bonds shall be cancelled at the same periods, and in like manner as is provided in respect to bonds given on the exportation of goods, wares or merchandise, entitled to drawback of duties: *Provided*, that the said bounty or allowance shall not be paid until at least 6 months after the exportation of such pickled fish, or salted provisions, to be computed from the date of the bond, and until the exporter or exporters thereof shall produce to the collectors with whom such outward entry is made, such certificates, or other satisfactory proof, of the landing of the same as aforesaid, as is heretofore made necessary for cancelling the bonds given on the exportation of goods entitled to drawback as aforesaid; *And provided*, that the bounty or allowance as aforesaid, shall not be paid unless the same shall amount to 10 dollars at least upon each entry.

And the form of entry, required to be made as aforesaid, shall be as follows:

Entry of [salted provision or pickled fish, or both, as the case may be] intended to be exported for the benefit of bounty by [insert the name of the exporter] in the [insert the name and denomination of the vessel] whereof (insert the name of the master) is master, bound for (insert the port of destination,)

Marks as branded on the casks.	Number of barrels.	Description or species of fish or provisions.	Quality.

And the oath or affirmation to be taken by the exporter or exporters of pickled fish, or salted provisions, shall be in manner following:

District of

I [insert the name] do solemnly, sincerely, and truly swear [or

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affirm] to the best of my knowledge and belief, that the [salted provisions or pickled fish, or both, as the case may be] designated in the annexed entry, dated            and subscribed with my name, have not been imported from any foreign port or place, but are truly and bona fide [if provisions] salted provisions, cured within the limits of the U. S. [or if fish] pickled fish of the fisheries of the U. S. that they are now actually laden on board the [insert the denomination and name of the vessel] whereof [insert the name] is master, and are to be exported to [insert the place of destination] and are not intended to be landed in the limits of the United States. So help me God.

And the form of the bond, to be executed as aforesaid, shall be as follows; to wit,

Know all men by these presents, that we            are held and firmly bound unto the United States of America, in the sum of            to be paid to the said United States; for the payment whereof, we bind ourselves, our heirs, executors and administrators, jointly and severally, firmly by these presents; sealed with our seals, dated the            day of            in the            year of the independence of the United States, and in the year of our Lord

The condition of this obligation is such, that whereas the above bounden            hath entered at the custom house of the port of            the following merchandise (here insert the number of packages with their contents, together with their marks and numbers) for the purpose of being exported for the benefit of bounty, in the (insert denomination and name of vessel) whereof (insert name) is master, for (insert name of the place) as per entry thereof made and subscribed by the aforesaid            on the            day of            which merchandise has been laden under the superintendence of A. B. an inspector of the customs for the port of            as per return thereof annexed to said entry; which merchandise is now actually on board the said            now laying in the port of            for the purpose of being exported as aforesaid.

Now therefore, if the said merchandise shall not be re-landed within the limits of the United States, but shall be duly exported to the            or any other port or place, without the limits aforesaid, then this obligation to be void and of no effect, otherwise it shall remain and be in full force and virtue.

Sealed and delivered }

in the presence of }

*ibid.* § 83.

84. If any goods, wares or merchandise, of which entry shall have been made in the office of a collector, for the benefit of drawback or bounty upon exportation, shall be entered by a false denomination, or erroneously as to the time when and the vessel in which they were imported, or shall be found to disagree with the packages, quantities or qualities, as they were at the time of original importation, except such disagreement as may have been occasioned by necessary or unavoidable wastage or damage only, and except also in cases where permission shall have been obtained according to law, to alter or change the quantities or packages there-



of, all such goods, wares or merchandise, or the value thereof to be recovered of the owner or person making such entry, shall be forfeited. *Provided*, that the said forfeiture shall not be incurred, if it shall be made appear to the satisfaction of the collector and naval officer of the district, if there be a naval officer, and if there be no naval officer, to the satisfaction of the said collector, or of the court in which a prosecution for the forfeiture shall be had, that such false denomination, error, or disagreement happened by mistake or accident, and not from any intention to defraud the revenue. *ibid.* § 84.

85. In all cases where a ship or vessel shall be prevented by ice from getting to the port or place, at which her cargo is intended to be delivered, it shall be lawful for the collector of the district, in which such ship or vessel may be obstructed, to receive the report and entry of such ship or vessel, and with the consent of the naval officer (where there is one) to grant a permit or permits for unloading or landing the goods, wares, and merchandise imported in such ship or vessel, at any place within his district which shall appear to him most convenient and proper; *Provided*, that the report and entry of such ship or vessel, and her cargo or any part thereof, and all persons concerned therein, shall be under and subject to the same rules, regulations, restrictions, penalties and provisions, as if the said ship or vessel had arrived at the port of her destination, and had there proceeded to the delivery of her cargo *ibid.* § 85.

86. No officer of the customs, or other person employed under the authority of the U. S. in the collection of the duties imposed by law on goods, wares or merchandise imported in the U. S. and on the tonnage of ships or vessels, shall own, either in whole or in part, any ship or vessel, or act as agent, attorney, or consignee for the owner or owners of any ship or vessel, or of any cargo or lading on board the same; nor shall any officers of the customs, or other person employed in the collection of the duties as aforesaid, import, or be concerned directly or indirectly in the importation of any goods, wares or merchandise, for sale, into the U. S. on penalty that every person so offending, and being thereof convicted, shall forfeit and pay 500 dollars. *ibid.* § 86.

87. So much of the 12 § of an act, entitled "An act making alterations in the treasury and war departments," as restricts all officers of the U. S. employed in the collection of the duties imposed by law on goods, wares and merchandise imported into the U. S. and on the tonnage of ships or vessels, from buying or disposing of the funds or debts of the U. S. or of any state, is repealed. *ibid.* § 87.

88. If any officer of the customs shall directly or indirectly take or receive any bribe, reward or recompence, for conniving, or shall connive at any false entry of any ship or vessel, or of any goods, wares or merchandise, and shall be convicted thereof, every such officer or other person shall forfeit and pay a sum not less than 200 nor more than 2000 dollars for each offence; and any person giving or offering any bribe, recompence or reward for any such de-

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ception, collusion, or fraud, shall forfeit and pay a sum not less than 200 dollars, nor more than 2000 dollars, for each offence; and in all cases where an oath or affirmation is by this act required from a master or other person having the command of a ship or vessel, or from an owner or consignee of any goods, wares, and merchandise, his, her, or their factor, or agent, and generally whenever an oath or affirmation is required from any person or persons, whatsoever, by virtue of this act, if the person so swearing or affirming shall swear, or affirm falsely, such person shall, on indictment and conviction thereof, be liable to the same pains and penalties prescribed for persons convicted of wilful and corrupt perjury. *ibid.* § 88.

89. All penalties, accruing by any breach of this act, shall be sued for, and recovered with costs of suit, in the name of the U. S. of America, in any court competent to try the same; and the trial of any fact, which may be put in issue, shall be within the judicial district in which any such penalty shall have accrued, and the collector, within whose district the seizure shall be made, or forfeiture incurred, is hereby enjoined to cause suits for the same to be commenced without delay, and prosecuted to effect; and is moreover authorised to receive from the court within which such trial is had, or from the proper officer thereof, the sum or sums so recovered, after deducting all proper charges to be allowed by the said court, and on receipt thereof the said collector shall pay and distribute the same without delay, according to law, and transmit quarter yearly to the treasury an account of all monies by him received for fines, penalties and forfeitures, during such quarter. And all ships or vessels, goods, wares or merchandise, which shall become forfeited in virtue of this act, shall be seized, libelled and prosecuted as aforesaid, in the proper court having cognizance thereof; which court shall cause 14 days notice to be given of such seizure and libel, by causing the substance of such libel, with the order of the court thereon, setting forth the time and place appointed for trial, to be inserted in some news paper published near the place of seizure, and also by posting up the same in the most public manner, for the space of 14 days, at or near the place of trial; for which advertisement a sum not exceeding 10 dollars shall be paid: And proclamation shall be made in such manner as the court shall direct; and if no person shall appear and claim any such ship or vessel, goods, wares or merchandise, and give bond to defend the prosecution thereof, and to respond the cost in case he shall not support his claim, the court shall proceed to hear and determine the cause according to law; and upon the prayer of any claimant to the court, that any ship or vessel, goods, wares or merchandise, so seized and prosecuted, or any part thereof, should be delivered to such claimant, it shall be lawful for the court to appoint 3 proper persons to appraise such ship or vessel, goods, wares or merchandise, who shall be sworn in open court for the faithful discharge of their duty; and such appraisement shall be made at the expense of the party on whose prayer it is granted;

and on the return of such appraisement, if the claimant shall, with 1 or more sureties, to be approved of by the court, execute a bond in the usual form to the U. S. for the payment of a sum equal to the sum at which the ship or vessel, goods, wares or merchandise, so prayed to be delivered, are appraised, and moreover produce a certificate from the collector of the district wherein such trial is had, and of the naval officer thereof, if any there be, that the duties on the goods, wares and merchandise, or tonnage duty on the ship or vessel, so claimed, have been paid or secured in like manner, as if the goods, wares or merchandise, ship or vessel had been legally entered, the court shall, by rule, order such ship or vessel, goods, wares or merchandise, to be delivered to the said claimant, and the said bond shall be lodged with the proper officer of the court, and if judgment shall pass in favor of the claimant, the court shall cause the said bond to be cancelled; but if judgment shall pass against the claimant, as to the whole, or any part of such ship or vessel, goods, wares or merchandise, and the claimant shall not within 20 days thereafter pay into the court, or to the proper officer thereof, the amount of the appraised value of such ship or vessel, goods, wares or merchandise so condemned, with the costs, judgment shall and may be granted upon the bond on motion in open court, without further delay. And when any prosecution shall be commenced, on account of the seizure of any ship or vessel, goods, wares or merchandise, and judgment shall be given for the claimant or claimants; if it shall appear to the court before whom such prosecution shall be tried, that there was a reasonable cause of seizure, the said court shall cause a proper certificate or entry to be made thereof, and in such case the claimant or claimants shall not be entitled to costs, nor shall the person who made the seizure, or the prosecutor, be liable to action, suit or judgment on account of such seizure and prosecution; *Provided*, That the ship or vessel, goods, wares or merchandise, be after judgment forthwith returned to such claimant or claimants, his, her, or their agent or agents; *And provided*, That no action or prosecution shall be maintained in any case under this act, unless the same shall have been commenced within 3 years next after the penalty or forfeiture was incurred. *ibid.* § 89.

90. All ships or vessels, goods, wares or merchandise, which shall be condemned by virtue of this act, and for which bond shall not have been given by the claimant or claimants, agreeably to the provisions for that purpose in the foregoing § shall be sold by the marshal or other proper officer of the court in which condemnation shall be had, to the highest bidder, at public auction, by order of such court, and at such place as the court may appoint, giving at least 15 days notice (except in cases of perishable goods) in 1 or more of the public newspapers of the place where such sale shall be; or if no paper is published in such place, in 1 or more of the papers published in the nearest place thereto; for which advertising, a sum not exceeding 5 dollars shall be paid. And the amount of such sales, deducting all proper charges, shall be paid



within 10 days after such sale by the person selling the same, to the clerk or other proper officer of the court directing such sale, to be by him, after deducting the charges allowed by the court, paid to the collector of the district in which such seizure or forfeiture has taken place, as hereinbefore directed. *ibid.* § 90.

91. All fines, penalties and forfeitures, recovered by virtue of this act (and not otherwise appropriated) shall, after deducting all proper costs and charges, be disposed of as follows;—one moiety shall be for the use of the U. S. and be paid into the treasury thereof, by the collector receiving the same; the other moiety shall be divided between, & paid in equal proportions to, the collector, & naval officer of the district, & surveyor of the port, wherein the same shall have been incurred, or to such of the said officers as there may be in the said district; and in districts where only 1 of the aforesaid officers shall have been established, the said moiety shall be given to such officer; *Provided*, That in all cases where such penalties, fines and forfeitures shall be recovered in pursuance of information given to such collector, by any person other than the naval officer or surveyor of the district, the one half of such moiety shall be given to such informer, and the remainder thereof shall be disposed of between the collector, naval officer, and surveyor, or surveyors in manner aforesaid: *Provided also*, That where any fines, forfeitures and penalties, incurred by virtue of this act, are recovered in consequence of any information given by any officer of a revenue cutter, they shall, after deducting all proper costs and charges, be disposed of as follows;—one fourth part shall be for the use of the U. S. and paid into the treasury thereof in manner as before directed; one fourth part for the officers of the customs, to be distributed as herein before set forth; and the remainder thereof to the officers of such cutter to be divided among them agreeably to their pay: *And provided likewise*, That whenever a seizure, condemnation and sale of goods, wares or merchandise, shall take place within the U. S. and the value thereof shall be less than 250 dollars, that part of the forfeiture which accrues to the U. S. or so much thereof as may be necessary, shall be applied to the payment of the cost of prosecution:—*And be it further provided* That if any officer or other person entitled to a part or share of any of the fines, penalties, or forfeitures, incurred in virtue of this act, shall be necessary as a witness on the trial for such fine, penalty, or forfeiture, such officer or other person may be a witness upon the said trial; but in such case he shall not receive nor be entitled to any part or share of the said fine, penalty or forfeiture, and the part or share to which he otherwise would have been entitled, shall revert to the U. S. *ibid.* § 91.

92. Except into the districts herein before described on the northern, north-western and western boundaries of the U. S. adjoining to the dominions of Great-Britain, in Upper and Lower Canada, and the districts on the rivers Ohio and Mississippi, no goods, wares or merchandise of foreign growth or manufacture, subject to the payment of duties shall, be brought into the U. S. from any

foreign port or place in any other manner than by sea, nor in any ship or vessel of less than 30 tons burthen, agreeably to the ad-measurement hereby directed for ascertaining the tonnage of ships or vessels; nor shall be landed or unladen at any other port than is directed by this act, under the penalty of seizure and forfeiture of all such ships or vessels, and of the goods, wares or merchandise imported therein, landed or unladen in any other manner. And no drawback of any duties on goods, wares or merchandise of foreign growth or manufacture, shall be allowed on the exportation thereof from any district of the U. S. otherwise than by the sea, and in vessels not less than 30 tons burthen. *ibid.* § 92.

93. The master, or person having the charge or command of any ship or vessel, bound to a foreign port or place, shall deliver to the collector of the district from which such ship or vessel shall be about to depart, a manifest of all the cargo on board the same, and the value thereof, by him subscribed, and shall swear, or affirm to the truth thereof; whereupon the said collector shall grant a clearance for such ship or vessel and her cargo, but without specifying the particulars thereof in such clearance, unless required by the said master, or other person having the charge or command of such ship, or vessel, so to do. And if any ship or vessel, bound to a foreign port or place, shall depart on her voyage to such foreign port or place, without delivering such manifest, and obtaining a clearance as hereby required, the said master or other person having the charge or command of such ship or vessel, shall forfeit and pay 500 dollars, for every such offence:—

And the form of the report and manifest, to be delivered as aforesaid, shall be as follows:

Report and manifest of the cargo, laden at the port of \_\_\_\_\_ on board the \_\_\_\_\_ master, bound for \_\_\_\_\_ port

Marks.	Numbers.	Packages or articles in bulk.	Contents or quantities.	Value at the port of exportation.

And the oath or affirmation, to be taken by the master or commander of the ship or vessel as aforesaid, shall be as follows:

District of \_\_\_\_\_

I [insert the name] master or commander of the [insert the denomination and name of the vessel] bound from the port of (insert the name of the port or place sailing from) to (insert the name of the place or port, bound to) do solemnly, sincerely and truly swear (or affirm as the case may be) that the manifest of the cargo on board the said (insert denomination and name of the vessel) now delivered by me to the collector of this district, and subscribed with

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*ibid.* § 9

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my name, contains, according to the best of my knowledge and belief, a full, just and true account of all the goods, wares and merchandise now actually laden on board the said vessel, and of the value thereof; and if any other goods, wares, or merchandise shall be laden or put on board the said (insert denomination and name of vessel) previous to her sailing from this port, I will immediately report the same to the said collector. I do also swear (or affirm) that I verily believe the duties on all the foreign merchandise therein specified have been paid or secured, according to law, and that no part thereof is intended to be re-landed within the United States, and that if by distress or other unavoidable accident it shall become necessary to re-land the same, I will forthwith make a just and true report thereof to the collector of the customs of the district wherein such distress or accident may happen. So help me God.

And the form of a clearance, to be granted to a ship or vessel on her departure to a foreign port or place, shall be as follows :

District of                      is.

Port of

These are to certify all whom it doth concern, that                      master  
or commander of the                      burthen                      tons, or thereabouts,  
mounted with                      guns, navigated with                      men                      built, and  
bound for                      having on board

hath here entered and cleared his said vessel according to law.

Given under our hands and seals, at the custom house of  
this                      day of                      one thousand                      and in the  
year of the independence of the United States of America.

*Provided*, that the collectors and other officers of the customs, shall pay due regard to the inspection laws of the states in which they may respectively act, in such manner, that no vessel having on board goods liable to inspection, shall be cleared out until the master, or other proper person, shall have produced such certificate that all such goods have been duly inspected, as the laws of the respective states do or may require to be produced to collectors or other officers of the customs. *And Provided*, That receipts for the payment of all legal fees which shall have accrued on any ship or vessel shall, before any clearance is granted, be produced to the collector or other officer aforesaid. *ibid.* § 93.

94. The importer or importers of any horses, cattle, sheep, swine, or other useful beasts, imported into the U. S. for the purpose of breed, shall make entry for such horses, cattle, sheep, swine, or other useful beasts, as in the case of other goods wares or merchandise, and obtain a permit for landing the same, and shall likewise make oath or affirmation, that they are actually imported for the purpose above mentioned; and any horses, cattle, sheep, swine, or other beasts, landed without the provisions above mentioned being fully complied with, shall be subject to seizure and forfeiture. *ibid.* § 94.

95. All matters directed by this act to be done to, or by the col-



lector of a district, or by the naval officer thereof, shall and may be done to, and by the person, who in the cases specified in this act, is or may be authorized to act in the place or stead of the said collector, or of the said naval officer. *ibid.* § 95.

96. Whenever an oath is required by this act, persons conscientiously scrupulous shall be permitted to affirm. *ibid.* § 96.

97. The President of the U. S. is empowered, for the better securing the collection of the duties imposed on goods, wares and merchandise imported into the U. S. and on the tonnage of ships or vessels, to cause to be built and equipped so many revenue cutters not exceeding 10, as may be necessary to be employed for the protection of the revenue, the expense whereof shall be paid out of the product of the duties on goods, wares and merchandise imported into the U. S. and on the tonnage of ships or vessels. *ibid.* §. 97.

98. There shall be to each of the said revenue cutters, 1 captain or master, and not more than 3 Lieutenants or mates, first, second and third, and not more than 70 men, including non-commissioned officers, gunners and mariners. And the Secretary of the Treasury is authorized to cause contracts to be made for the supply of rations for the officers and men of the said revenue cutters; *Provided*, That the said revenue cutters shall, whenever the President of the U. S. shall so direct, co-operate with the navy of the U. S. during which time, they shall be under the direction of the Secretary of the Navy, and the expences thereof shall be defrayed by the agents of the Navy Department. *ibid.* §. 98.

99. The officers of the said revenue cutters shall be appointed by the President of U. S. and shall respectively be deemed officers of the customs, and shall be subject to the direction of such collectors of the revenue, or other officers thereof, as from time to time shall be designated for that purpose; they shall have power and authority, and are hereby required and directed to go on board all ships or vessels, which shall arrive within the U. S. or within 4 leagues of the coast thereof, if bound for the U. S. and to search and examine the same, and every part thereof, and to demand, receive, and certify the manifests herein before required to be on board certain ships or vessels, and to affix and put proper fastenings on the hatches and other communications with the hold of any ship or vessel, and to remain on board the said ships and vessels, until they arrive at the port or place of their destination. It shall likewise be the duty of the master or other person having at any time the command of any of the said revenue cutters, to make a weekly return to the collector, or other officer of the district under whose direction they are placed, of the transactions of the cutter under their command, specifying therein, the vessels that have been boarded, their names and description, the names of the masters, and from what port or place they last sailed, whether laden or in ballast, whether ships or vessels of the U. S. or to what other nation belonging, and whether they have the ne-

cessary manifest or manifests of their cargoes on board, and generally all such matters as it may be necessary for the collectors or other officers of the customs to be made acquainted with; and the officers of the said cutters shall likewise execute and perform such other duties for the collection and security of the revenue, as from time to time shall be enjoined and directed by the Secretary of the Treasury, not contrary to law, and the provisions herein before contained. *ibid.* § 99.

100. The President is hereby authorized to cause other revenue cutters to be built or purchased, in lieu of such as are or shall from time to time become unfit for further service; and to cause such as are so become unfit for further service, to be sold at public auction, and the proceeds of such sales to be paid into the treasury of the U. S. And the expence of purchasing other cutters as aforesaid, as well as all future expences of building, purchasing or repairing revenue cutters, shall be paid out of the product of the duties on goods, wares or merchandise imported into the U. S. and on the tonnage of ships or vessels. *ibid.* § 100.

101. The collectors of the respective districts may, with the approbation of the Secretary of the Treasury, provide and employ such small open row and sail boats, in each district, together with the number of persons to serve in them, as shall be necessary for the use of the surveyors and inspectors in going on board of ships or vessels and otherwise, for the better detection of frauds; the expence of which shall be defrayed out of the product of the duties. *ibid.* § 101.

102. The cutters and boats, employed in the service of the revenue, shall be distinguished from other vessels, by an ensign and pendant, with such marks thereon as shall be prescribed and directed by the President of the U. S. and in case any ship or vessel, liable to seizure or examination shall not bring to, on being required, or being chased by any cutter or boat having displayed the pendant and ensign prescribed for vessels in the revenue service, it shall be lawful for the captain, master or other person having command of such cutter or boat, to fire at or into such vessel which shall not bring to, after such pendant and ensign shall be hoisted, and a gun shall have been fired by such cutter or boat as a signal; and such captain, master or other person as aforesaid, and all persons acting by or under his direction, shall be indemnified from any penalties, or actions for damages for so doing; and if any person shall be killed or wounded by such firing, and the captain, master, or other person aforesaid, shall be prosecuted or arrested therefor. such captain, master or other person shall be forthwith admitted to bail:—And if any ship, vessel or boat, not employed in the service of the revenue, shall, within the jurisdiction of the U. S. carry or hoist any pendant or ensign prescribed for vessels in the service aforesaid, the master, or commander of the ship or vessel so offending shall forfeit and pay 100 dollars. *ibid.* § 102.

103. No beer, ale, or porter shall be brought into the U. S. by sea from any foreign port, or place, except in casks, or vessels,

the capacity whereof shall not be less than 40 gallons beer measure, or in packages containing not less than 6 dozen bottles, on pain of forfeiture of the said beer, ale, or porter, and the ship or vessel in which the same shall be brought; nor shall any refined lump or loaf sugar be imported into the U. S. from any foreign port or place by sea, except in ships or vessels of 120 tons burthen and upwards, and in casks or packages containing each not less than 600 pounds weight; nor shall any distilled spirits (arrack and sweet cordials excepted) be imported, or brought into the U. S. except in casks or vessels of the capacity of 90 gallons wine measure and upwards, nor in casks or vessels which have been marked pursuant to any law of the U. S. on pain of forfeiture of the said refined lump and loaf sugar, and distilled spirits, imported contrary to the provisions herein described, together with the ship, or vessel, in which they shall be so imported;—*Provided*, That nothing contained in this act shall be construed to forfeit any spirits for being imported, or brought into the U. S. in other casks or vessels as aforesaid, or the ship or vessel in which they shall be brought, if such spirits shall be for the use of the seamen, on board such ship or vessel, and shall not exceed the quantity of 4 gallons for each seaman. *ibid.* § 103.

104. For the purpose of conforming this act to certain stipulations contained in treaties made and ratified under the authority of the U. S. it is hereby declared, that it shall at all times be free to British subjects, and also to the Indians dwelling on either side of the boundary line of the U. S. as settled by the treaty of peace, freely to pass and repass, by land or inland navigation, into and from the territories of the U. S. and to navigate all the lakes, rivers and waters thereof, and freely to carry on trade and commerce with the citizens of the U. S. *Provided*, That nothing herein contained shall be construed to justify the admission of British vessels from the sea into the rivers of the U. S. beyond the highest ports of entry for foreign vessels from the sea; and all goods and merchandise, the importation of which into the U. S. shall not be wholly prohibited, shall and may freely, for the purposes of commerce, be brought into the same, in manner aforesaid, by British subjects, from the territories of the king of Great Britain, in America; and such goods and merchandise shall be subject to no higher or other duties, than are or shall be payable by the citizens of the U. S. on the importation of the same in American vessels into the Atlantic ports of the U. S. And all goods, not prohibited to be exported from the U. S. may, in manner aforesaid, be carried out of the U. S. into the territories aforesaid. *ibid.* § 104.

105. No duty shall be levied or collected on the importation of peltries brought into the territories of the U. S. nor on the proper goods and effects of whatever nature, of Indians passing, or re-passing the boundary line aforesaid, unless the same be goods in bales or other large packages unusual among Indians, which shall not be considered as goods belonging bona fide to Indians,



nor be entitled to the exemption from duty aforesaid. And no higher or other tolls or rates of ferriage, than what are or shall be payable by citizens of the U. S. shall be demanded of British subjects, and no duties shall be payable on any goods, which shall merely be carried over any of the portages or carrying places within the territories of the U. S. for the purpose of being immediately reimparked, and carried to some other place or places, *Provided*, That this last mentioned exemption from duty shall extend only to such goods as are carried in the usual and direct road across such portages and carrying places, and are not attempted to be in any manner sold or exchanged during their passage across the same.—And it shall be lawful for citizens of the U. S. and for all other persons, to import any goods or merchandise, of which the importation shall not be entirely prohibited, into the districts, which are or may be established on the northern and north-western boundaries of the U. S. and on the rivers Ohio and Mississippi, in vessels or boats of any burthen, and in rafts or carriages of any kind or nature whatsoever. *ibid.* § 105.

106. All vessels, boats, rafts, and carriages, of what kind and nature soever, arriving in the districts aforesaid, containing goods, wares or merchandise, subject to duties on being imported into any port of the U. S. shall be reported to the collector, or other chief officer of the customs at the port of entry, in the district into which they shall be so imported; and such goods shall be accompanied with like manifests, and like entries shall be made, by the persons having charge of any vessels, boats, rafts and carriages aforesaid, and by the owners or consignees of the goods, wares and merchandise, laden on board the same; and the powers and duties of the officers of the customs shall be exercised and discharged in the districts last mentioned, in like manner as is herein before directed and prescribed, in respect to goods, wares and merchandise imported into the U. S. in vessels from the sea—and generally, all importations as aforesaid shall be subject to like regulations, penalties and forfeitures as in other districts, except as is herein after specially provided. *ibid.* § 106.

107. When any goods, wares, or merchandise subject to duties shall be imported into any of the districts before mentioned, and which shall be reported as being destined to be carried over any of the portages or carrying places within the territories of the U. S. for the purposes of being immediately reimparked, and carried to some other port or place, it shall be the duty of the owner or consignee of the goods, wares, or merchandise intended to be transported as aforesaid, to make entry thereof, as particularly as is herein before directed and prescribed, in respect to the like goods, wares and merchandise, when entered for the payment of duties, and moreover specifying in such entry the route, portage and carrying place, by and over which it is intended to transport the same; which entry shall be verified on oath or affirmation in manner following:

District of  
Port of

I (here insert the name of the person making the entry) do solemnly, sincerely and truly swear (or affirm) that the entry now subscribed with my name, and delivered by me to the collector of (insert the name of the district) contains a just and true account of all the goods, wares and merchandise, contained in the several packages therein mentioned; that they are brought into this district, solely for the purpose of being carried and transported by the way of (here insert the portage or carrying place) with intention of being immediately re-imbarked and carried without the limits of the U. S. and are not intended, directly or indirectly, to be sold, exchanged, or consumed, within the limits of the United States; and, I do further swear, (or affirm) that if I shall hereafter know, or discover, that the whole, or any part of the said goods, wares or merchandise, shall have been sold, alienated, exchanged, or consumed, within the limits of the United States, I will immediately report the same, with the circumstances thereof, truly to the collector of this district. So help me God. *ibid.* § 107.

108. The collector, who shall receive any entry as aforesaid, shall cause due examination, inspection and search to be made, in like manner as is herein before prescribed, in respect to importations made in vessels arriving by the sea, or intended to be exported from the U. S. and, being satisfied therewith, shall thereupon grant a certificate or protection for the said goods, wares or merchandise which shall accompany the same, and which certificate or protection shall be of the form following, to wit:

District of      fs.  
Port of

It is hereby certified, that (here insert the name of the person making entry) has made entry in this office, according to law, of the following merchandise (here insert the particulars of the packages and merchandise, and the several marks, numbers and contents thereof as in the entry) and has made oath, that the said merchandise are intended to be transported by the route of (here insert the portage or carrying place) to (here insert the proposed place of re-imbarkation) for the purpose of being transported without the limits of the U. S. Now therefore, this certificate is to serve as a protection for the said merchandise, during the transportation thereof by the route aforesaid; *Provided*, That the said merchandise, or any part thereof, are not and shall not be unpacked, alienated, sold or consumed within the limits of the United States, or be transported by any other route than is above specified, in either of which cases the said merchandise may be seized and forfeited, this certificate and protection notwithstanding.

As witness my hand and seal the day and year above mentioned.

A. B. Collector

And no certificate as aforesaid shall be in force for any term exceeding six months from the date hereof. *ibid.* § 108.

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109. If any person having the charge, or being concerned in the transportation of any goods, wares or merchandise, entered as aforesaid, for the purpose of being transported across any of the portages or carrying places within the limits of the U. S. & to be delivered without the limits thereof, shall, with intent to defraud the revenue, break open or unpack any part of the said merchandise, or shall sell, exchange or consume the same, or with like intent shall break or deface any seal or fastening, placed thereon by any officer of the revenue, or if any person whatever shall deface, alter or forge any certificate, granted for the protection of merchandise transported as aforesaid, each and every person so offending, shall forfeit and pay 500 dollars, and shall be imprisoned not less than 1 nor more than 6 months, at the discretion of the court before which such person shall be convicted. *ibid.* § 109.

110. Nothing contained in this act shall be construed to exempt the masters or owners of vessels from making and subscribing any oaths or affirmations required by any laws of the U. S. not immediately relating to the collection of the duties on the importation of goods, wares and merchandise into the U. S. *ibid.* § 110.

111. In cases where the forms of official documents, as prescribed by this act, shall be substantially complied with and observed, according to the true spirit, meaning and intent thereof, no penalty or forfeiture shall be incurred by a deviation therefrom; and the officers of the department of the treasury, according to their respective powers and duties, shall and may from time to time prescribe additions to the said forms, for the purpose of adapting the same to any alterations which may be made to the rates of duties on the importation of goods, wares and merchandise, and on the tonnage of ships and vessels, and for the better collection and payment of the said duties;—*Provided however*, That it shall not be competent for the said officers to prescribe any form or regulations incompatible with or contravening the special provisions of this act. *ibid.* § 111.

112 From and after the 30 June next ensuing, the act of Congress passed on the 4th August 1790, entitled “An act to provide more effectually for the collection of the duties on goods, wares and merchandise imported into the U. S. and on the tonnage of ships and vessels,” and also all other acts or parts of acts, coming within the purview of this act, shall be repealed, except as to the continuance of the officers appointed in pursuance of the said act or parts of acts; except also as to the recovery and receipt of such duties on goods, wares and merchandise, and on the tonnage of ships or vessels, as shall have accrued; and as to the payment of drawbacks, bounties and allowances upon the exportation of goods, wares and merchandise, and as to the recovery and distribution of fines, penalties and forfeitures, which shall have been incurred before and on the said day; subject nevertheless, in respect to the collection of duties, to the alterations in the present act. *ibid.* § 112.



## Election Of President and Vice-President.

**I.** EXCEPT in case of an election of a President and Vice-President of the U. S. prior to the ordinary period as herein after specified, electors shall be appointed in each state for the election of a President and Vice-President of the U. S. within 34 days preceding the first Wednesday in Dec. 1792, and within 34 days preceding the first Wednesday in Dec. in every 4th year succeeding the last election, which electors shall be equal to the number of Senators and Representatives, to which the several states may by law be entitled at the time, when the President and Vice-President, thus to be chosen, should come into office: *Provided*, That where no apportionment of Representatives shall have been made after any enumeration, at the time of chusing electors, then the number of electors shall be according to the existing apportionment of Senators and Representatives. March 1, 1792, c. 8, § 1.

2. The electors shall meet and give their votes on the said first Wednesday in Dec. at such place in each state as shall be directed by the legislature thereof; and the electors in each state shall make and sign 3 certificates of all the votes by them given, and shall seal up the same, certifying on each that a list of the votes of such state for President and Vice-President is contained therein, and shall by writing under their hands, or under the hands of a majority of them, appoint a person to take charge of and deliver to the President of the Senate, at the seat of government before the 1st Wednesday in Jan. then next ensuing, 1 of the said certificates, and the said electors shall forthwith forward by the post-office to the President of the Senate, at the seat of government, 1 other of the said certificates, and shall forthwith cause the other of the said certificates, to be delivered to the judge of that district in which the said electors shall assemble. *ibid.* § 2.

3. The executive authority of each state shall cause 3 lists of the names of the electors of such state to be made and certified, and to be delivered to the electors on or before the said 1st Wednesday in Dec. and the said electors shall annex 1 of the said lists to each of the lists of their votes. *ibid.* § 3.

4. If a list of votes, from any state shall not have been received at the seat of government on the said 1st Wednesday in Jan. then the Secretary of State shall send a special messenger to the district judge, in whose custody such list shall have been lodged, who shall forthwith transmit the same to the seat of government. *ibid.* § 4.

5. Congress shall be in session on the 2nd Wednesday in Feb. 1793, and on the 2nd Wednesday in Feb. succeeding every meeting of the electors; and the said certificates, or so many of them as shall have been received, shall then be opened, the votes counted, and the persons who shall fill the offices of President and Vice-President ascertained and declared, agreeably to the Constitution. *ibid.* § 5.

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6. In case there shall be no President of the Senate at the seat of government on the arrival of the persons entrusted with the lists of the votes of the electors, then such persons shall deliver the lists of votes in their custody into the office of the Secretary of State, to be safely kept and delivered over as soon as may be, to the President of the Senate. *ibid.* § 6.

7. The persons appointed by the electors to deliver the lists of votes to the President of the Senate, shall be allowed on the delivery of the said lists 25 cents for every mile of the estimated distance by the most usual road, from the place of meeting of the electors, to the seat of government of the U. S. *ibid.* § 7.

8. If any person appointed to deliver the votes of the electors to the President of the Senate, shall after accepting of his appointment, neglect to perform the services required of him by this act, he shall forfeit 1000 dollars. *ibid.* § 8.

9. In case of removal, death, resignation or inability both of the President and Vice-President of the U. S. the President of the Senate pro tempore, and in case there shall be no President of the Senate, then the Speaker of the House of Representatives, for the time being, shall act as President of the U. S. until the disability be removed or a President shall be elected. *ibid.* § 9.

10. Whenever the offices of President and Vice-President shall both become vacant, the Secretary of State shall forthwith cause a notification thereof to be made to the executive of every state, and shall also cause the same to be published in at least 1 of the newspapers printed in each state, specifying that electors of the President of the U. S. shall be appointed or chosen in the several states within 34 days preceding the 1st Wednesday in Dec. then next ensuing: *Provided*, There shall be the space of 2 months between the date of such notification and the said 1st Wednesday in Dec. but if there shall not be the space of 2 months between the date of such notification and the 1 Wednesday in Dec. and if the term for which the President and Vice-President last in office were elected shall not expire on the 3 day of March next ensuing, then the Secretary of State shall specify in the notification that the electors shall be appointed or chosen within 34 days preceding the 1st Wednesday in Dec. in the year next ensuing, within which time the electors shall accordingly be appointed or chosen, and the electors shall meet and give their votes on the said 1st Wednesday in Dec. and the proceedings and duties of the said electors and others shall be pursuant to the directions prescribed in this act. *ibid.* § 10.

11. The only evidence of a refusal to accept, or of a resignation of the office of President or Vice-President, shall be an instrument in writing declaring the same, and subscribed by the person refusing to accept or resigning, as the case may be, and delivered into the office of the Secretary of State, *ibid.* § 11.

12. The term of 4 years for which a President and Vice-President shall be elected, shall in all cases commence on the 4th day of March next succeeding the day on which the votes of the electors shall have been given. *ibid.* § 12.

## Elections, Contested.

1. **W**HERE any person, shall intend to contest an election for any member or members of the House of Representatives of the U. S. or to support any such election so intended to be contested and shall be desirous of obtaining testimony respecting such election, it shall be lawful for such person to make application to any judge of the courts of the U. S. or to any chancellor, justice, or judge of a superior or county court, or court of common pleas of any state, or to any mayor, recorder or intendant of a town or city, who shall, thereupon, issue his warrant of summons, directed to all such witnesses as shall be named to him by such applicant, or his agent duly authorized for that purpose, and requiring the attendance of such witnesses, before him, at some convenient time and place, to be expressed in the warrant, in order to be then and there examined, in the manner herein after provided, touching the subject matter of the aforesaid application. *Jan. 23, 1798, c. 25, § 1. cont. to the end of the first session of the sixth Congress.*

2. Every such witness, as is above mentioned, shall be duly served with such warrant, by a copy thereof being delivered to him, or her, or left at his or her usual place of abode, and such service shall be made a convenient time before the day on which the attendance of such witness is required, which time the magistrate issuing the warrant is hereby authorized and required to fix, for each witness at the time of issuing it, having respect to the circumstances of such witness, and the distance of his or her residence from the place of attendance. *ibid. § 2.*

3. Any person, being summoned in the manner above directed, and refusing or neglecting to attend, pursuant to such summons, unless in case of sickness, or other unavoidable accident, shall forfeit and pay 20 dollars, to be recovered, with costs of suit, by the party at whose instance the warrant of summons was issued, and for his use, by action of debt in any court, or before any other tribunal of the U. S. or any state, having jurisdiction to the amount of such penalty. *ibid. § 3.*

4. The magistrate issuing the aforesaid warrant of summons, shall, at the time of issuing it, cause to be made out, under his hand, and delivered to the said applicant, or his agent authorized as aforesaid, a notification directed to the opposite party and stating the time and object of the aforesaid application, the name of the applicant, and the time and place fixed for the examination of the witnesses; which notification the said applicant, or his agent as aforesaid, shall cause to be served on the said opposite party, by delivering to him, or leaving at his usual place of abode, a copy thereof, a convenient time before the day fixed for the aforesaid examination; which time the magistrate granting the said notification shall fix, at the time of granting it, having respect to the distance of the said party's place of residence from that appointed for the examination; which examination shall not be proceeded

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in, unless proof be made by affidavit in writing, of the due service of such notification, or unless the party on whom such service is hereby directed to be made, shall attend at the time and place aforesaid, by himself or his agent duly authorised; and consent to the said examination; which consent shall be certified by the magistrate. *ibid.* § 4.

5. All witnesses who shall attend, pursuant to the said summons, and all other witnesses who shall be produced at the time and place aforesaid, by either of the parties, or their or either of their agents duly authorised, shall then and there be examined on oath or affirmation, by the magistrate, who issued the warrant of summons aforesaid, or, in case of his absence, by any other such magistrate as is authorised by this act to issue such warrant, touching all such matters and things respecting the election about to be contested, as shall be proposed by either of the parties aforesaid, or by their, or either of their agents duly authorised; the testimony given on which examination, together with the questions proposed by the parties aforesaid, or their agents, or either of them, to the witnesses respectively, the said magistrate is hereby authorised and required to cause to be reduced to writing, in his presence, and in the presence of the parties or their agents, if attending, and to be duly attested by the witnesses, respectively: After which, he shall transmit the said testimony, duly certified under his hand, covered and sealed up, to the clerk of the House of Representatives of the U. S. for the time being, together with a copy of the warrant of summons and notification issued in that behalf, and the original affidavit proving the service of such notification. *ibid.* § 5.

6. In case any judge, justice, chancellor, mayor, recorder or intendant as is aforesaid, to whom the application herein mentioned shall be made, shall, by reason of sickness, necessary absence, or unavoidable accident, be rendered unable to attend at the time and place fixed for the examination aforesaid, it shall be lawful for him to certify the matter, and the proceedings had by him in that behalf, to any other magistrate of any of the descriptions aforesaid, which said magistrate, thereupon, shall attend at such time and place, and proceed touching the said examinations, in all respects, as the magistrate issuing the warrant of summons, might have done, by virtue of this act. *ibid.* § 6.

7. Where no such magistrate as is herein authorised to receive applications as aforesaid, and proceed upon them, shall reside within any district for which an election about to be contested shall have been held, it shall be lawful to make such application to any 2 justices of the peace residing within the said district, who are hereby authorised in such case, to receive such application, and jointly to proceed upon it in the manner herein before directed. *ibid.* § 7.

8. Every witness attending by virtue of such warrant of summons as is herein directed to be issued, shall be allowed 75 cents for each day's attendance, and the further sum of 5 cents for eve-

ry mile necessarily travelled in going and returning, which allowance shall be ascertained and certified by the magistrate taking the examination, and shall be paid by the party at whose instance such witness was summoned : And such witness shall have an action for the recovery of the said allowance, before any court or magistrate having competent jurisdiction, according to the laws of the U. S. or of any state, in which action the certificate of the magistrate taking the said examination shall be evidence. *ibid.* § 8.

9. Each judge, justice, chancellor, mayor, recorder, intendant and justice of the peace, who shall be necessarily employed, pursuant to the directions of this act, and all sheriffs, constables, or other officers who may be employed to serve any of the warrants of summons or notifications herein provided for, shall have and receive from the party, at whose instance such service shall have been performed, such fee or fees, as are or may be allowed for similar services in the states wherein such service shall be rendered respectively. *ibid.* § 9.

## Fines & Forfeitures, *Mitigation of.*

I. **W**HENEVER any person or persons, who shall have incurred any fine, penalty, forfeiture or disability, or shall have been interested in any vessel, goods, wares or merchandize, which shall have been subject to any seizure, forfeiture, or disability, by force of any present or future law of the U. S. for the laying, levying or collecting any duties or taxes, or by force of any present or future act, concerning the registering and recording of ships or vessels, or any act concerning the enrolling and licensing ships or vessels employed in the coasting trade or fisheries, and for regulating the same, shall prefer his petition to the judge of the district, in which such fine, penalty, forfeiture, or disability shall have accrued, truly and particularly setting forth the circumstances of his case ; and shall pray, that the same may be mitigated or remitted, the said judge shall enquire, in a summary manner, into the circumstances of the case ; first, causing reasonable notice to be given to the person or persons claiming such fine, penalty, or forfeiture, and to the Attorney of the U. S. for such district, that each may have an opportunity of shewing cause against the mitigation or remission thereof ; and shall cause the facts which shall appear upon such enquiry, to be stated and annexed to the petition, and direct their transmission to the Secretary of the Treasury of the U. S. who shall thereupon, have power to mitigate or remit such fine, forfeiture, or penalty, or remove such disability, or any part thereof, if, in his opinion, the same shall have been incurred without wilful negligence, or any intention of fraud in the

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person or persons incurring the same ; and to direct the prosecution, if any shall have been instituted for the recovery thereof, to cease and be discontinued, upon such terms or conditions as he may deem reasonable and just. March 3, 1797, c. 67, § 1. *cont. for 2 years and to the end of the next session.*

2. The judicial courts of the several states, to whom, by any of the said acts, a jurisdiction is given, shall and may exercise all and every power in the cases cognizable before them, for the purpose of obtaining a mitigation, or remission of any fine, penalty or forfeiture, which may be exercised by the judges of the district-courts in cases depending before them. *ibid.* §. 2.

3. Nothing herein-contained, shall be construed to affect the right or claim of any person, to that part of any fine, penalty or forfeiture, incurred by the breach of any of the laws aforesaid, which such person shall, or may be entitled to, by virtue of the said laws, in cases where a prosecution has been commenced, or information given, before the passing of this act, or any other act relative to the mitigation of such fines, &c. the amount of which right and claim shall be valued by the proper judge, or court in a summary manner. *ibid.* § 3.



## Fisheries.

I. **T**HE allowance now made upon the exportation of dried fish of the fisheries of the U. S. in lieu of a drawback of the duties paid on the salt used in preserving the same, shall cease on all dried fish exported after the 10th June next, and as a commutation and equivalent therefor, there shall be afterwards paid on the last day of Dec. annually, to the owner of every vessel or his agent, by the collector of the district where such vessel may belong, that shall be qualified agreeably to law, for carrying on the bank and other cod-fisheries, and that shall actually have been employed therein at sea for the term of 4 months at the least, of the fishing season, next preceding which season is accounted to be from the last day of Feb. to the last day of Nov. in every year, for each and every ton of such vessel's burthen according to her admeasurement as licensed or enrolled, if of 20 tons and not exceeding 30 tons, one and an half dollars ; and if above 30 tons, two and an half dollars ; of which allowance aforesaid, three-eighths parts shall accrue and belong to the owner of such fishing vessel, and the other five eighths thereof shall be divided by him, his agent or lawful representative, to and among the several fishermen who shall have been employed in such vessel during the season aforesaid, or a part thereof, as the case may be, in such proportions as the fish they shall respectively have taken may bear to the whole quantity of fish taken on board such vessel during such season : *Provided*, That the allowance aforesaid on any 1 vessel, for



1 season, shall not exceed 170 dollars. Feb. 16, 1792, c. 6, § 1 cont. for 7 years and to the end of the next session of Congress.

2. On the last day of Dec. annually, as aforesaid, there shall also be paid to the owner of every fishing boat or vessel of more than 5 tons, and less than 20 tons, or to his agent or lawful representative, by the collector of the district where such boat or vessel may belong, the sum of 1 dollar upon every ton admeasurement of such boat or vessel; which allowance shall be accounted for as part of the proceeds of the fares of said boat or vessel, and shall accordingly be so divided among all persons interested therein: *Provided*, That this allowance shall be made only to such boats or vessels as shall have actually been employed at sea in the cod-fishery for the term of 4 months at the least of the preceding season: *And provided also*, That such boat or vessel shall have landed in the course of said preceding season, a quantity of fish not less than 12 quintals for every ton of her admeasurement; the said quantity of fish to be ascertained when dried and cured fit for exportation, and according to the weight thereof, as the same shall weigh at the time of delivery when actually sold; which account of the weight, with the original adjustment and settlement of the fare or fares among the owners and fishermen, together with a written account of the length, breadth and depth of said boat or vessel, and the time she has actually been employed in the fishery in the preceding season, shall in all cases be produced and sworn or affirmed to, before the said collector of the district, in order to entitle the owner, his agent or lawful representative, to receive the allowance aforesaid. And if at any time within 1 year after payment of such allowance, it shall appear that any fraud or deceit has been practised in obtaining the same, the boat or vessel upon which such allowance shall have been paid, if found within the district aforesaid, shall be forfeited; otherwise the owner or owners having practised such fraud or deceit, shall forfeit and pay 100 dollars; to be sued for, recovered and appropriated in like manner as forfeitures and penalties are to be sued for, recovered and appropriated for any breach of an act, entitled, "An act to provide more effectually for the collection of the duties imposed by law on goods, wares and merchandise imported into the U. S. and on the tonnage of ships or vessels." *ibid.* § 2.

3. The owner or owners of every fishing vessel of 20 tons and upwards, his or their agent or lawful representative, shall previous to receiving the allowance which is provided for in this act, produce to the collector who is authorized to pay the same, the original agreement or agreements which may have been made with the fishermen employed on board such vessel, as is herein before required, & also a certificate to be by him or them subscribed, therein mentioning the particular days on which such vessel sailed and returned on the several voyages or fares, she may have made in the preceding fishing season, to the truth of which they shall swear or affirm before the collector aforesaid. *ibid.* § 3.

4. No ship or vessel of 20 tons or upwards, employed as afore-

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said shall be entitled to the allowance granted by this act, unless the skipper or master thereof shall, before he proceeds on any fishing voyage, make an agreement in writing or in print, with every fisherman employed therein, excepting only any apprentice or servant of himself or owner; and in addition to such terms of shipment as may be agreed on, shall in such agreement express whether the same is to continue for one voyage or for the fishing season, & shall also express that the fish or the proceeds of such fishing voyage or voyages which may appertain to the fishermen, shall be divided among them in proportion to the quantities or number of said fish they may respectively have caught; which agreement shall be endorsed or countersigned by the owner of such fishing vessel, or his agent: And if any fisherman having engaged himself for a voyage or for the fishing season, in any fishing vessel, and signed an agreement therefor as aforesaid, shall thereafter and while such agreement remains in force and to be performed, desert or absent himself from such vessel, without leave of the master or skipper thereof, or of the owner or his agent, such deserter shall be liable to the same penalties as deserting seamen or mariners are subject to in the merchant's service, & may in the like manner, & upon the like complaint and proof, be apprehended & detained; and all costs of process and commitment if paid by the master or owner, shall be deducted out of the share of fish, or proceeds of any fishing voyage to which such deserter had or shall become entitled. And any fisherman, having engaged himself as aforesaid, who shall during such fishing voyage, refuse or neglect his proper duty on board the fishing vessel, being thereto ordered or required by the master or skipper thereof, or shall otherwise resist his just commands, to the hindrance or detriment of such voyage, beside being answerable for all damages arising thereby, shall forfeit to the use of the owner of such vessel, his share of the allowance, which shall be paid upon such voyage as is herein granted. *ibid.* § 4.

5. Where an agreement or contract shall be so made and signed, for the fishing voyage or for the fishing season, and any fish which may have been caught on board such vessel during the same, shall be delivered to the owner or to his agent, for cure, and shall be sold by said owner or agent, such vessel shall for the term of 6 months after such sale, be liable and answerable for the skipper's and every other fisherman's share of such fish, and may be proceeded against in the same form, and to the same effect as any other vessel is by law liable, and may be proceeded against for the wages of seamen or mariners in the merchant's service. And upon such process for the value of a share or shares of the proceeds of fish delivered and sold as aforesaid, it shall be incumbent on the owner or his agent, to produce a just account of the sales and division of such fish according to such agreement or contract, otherwise the said vessel shall be answerable upon such process for what may be the highest value of the share or shares demanded. But in all cases, the owner of such vessel or his agent, appearing to answer to such

process, may offer thereupon his account of general supplies made for such fishing voyage, and of other supplies therefor made, to either of the demandants, and shall be allowed to produce evidence thereof in answer to their demands respectively, and judgment shall be rendered upon such process, for the respective balances, which upon such an enquiry shall appear: *provided*, That when process shall be issued against any vessel liable as aforesaid, if the owner thereof or his agent will give bond to each fisherman in whose favour such process shall be instituted, with sufficient security, to the satisfaction of 2 justices of the peace, 1 of whom shall be named by such owner or agent, and the other by the fisherman or fishermen pursuing such process; or if either party shall refuse, then the justice first appointed shall name his associate, with condition to answer and pay whatever sum shall be recovered by him or them on such process, there shall be an immediate discharge of such vessel: *Provided*, That nothing herein contained shall prevent any fisherman, from having his action at common law, for his share or shares of fish, or the proceeds thereof as aforesaid. *ibid.* § 5.

6. The drawback heretofore allowed on the exportation of foreign dried and pickled fish, and other foreign salted provisions, is hereby repealed. *ibid.* § 6.

7. The monies which shall remain in consequence of the abolition of the allowance on the exportation of the dried fish of the U. S. and of the drawback on foreign dried and pickled fish, and other foreign salted provisions, are hereby appropriated to the payment of the allowances granted by this act, and in case the monies so appropriated shall be inadequate, the deficiency shall be supplied out of any monies which from time to time shall be in the treasury of the U. S. and not otherwise appropriated. *ibid.* § 7.

8. Any person who shall declare falsely in any oath or affirmation required by this act, being duly convicted thereof in any court of the U. S. having jurisdiction of such offence, shall suffer the same penalties as are provided for false swearing or affirming, by the act before mentioned, and to be in like manner sued for, recovered and appropriated. *ibid.* § 8. See *Coasting trade. art. 21. Duties, collection of. art 83.*

## Flag of the United States.

FROM and after the first day of May 1795, the flag of the United States, shall be fifteen stripes alternate red and white. The union shall be fifteen stars, white in a blue field. *Jan. 13. 1794, c. 1.*



## Foreign affairs, Department of.

1. **T**HERE shall be an executive department, to be denominated the department of foreign affairs, and there shall be a principal officer therein, to be called the Secretary for the Department of Foreign Affairs, who shall perform and execute such duties as shall from time to time be enjoined on or intrusted to him by the President of the U. S. agreeable to the constitution, relative to correspondences, commissions or instructions to or with public ministers or consuls, from the U. S. or to negotiations with public ministers from foreign states or princes, or to memorials or other applications from foreign public ministers or other foreigners, or to such other matters respecting foreign affairs, as the President of the U. S. shall assign to the said department: And furthermore, the said principal officer shall conduct the business of the said department in such manner as the President of the U. S. shall from time to time order or instruct. *July 27. 1789, c. 4, § 1.*

2. There shall be in the said department, an inferior officer, to be appointed by the said principal officer, and to be employed therein as he shall deem proper, and to be called the chief clerk in the department of foreign affairs, and who, whenever the said principal officer shall be removed from office by the President of the U. S. or in any other case of vacancy, shall, during such vacancy, have the charge and custody of all records, books and papers appertaining to the said department. *ibid. § 2.*

3. The said principal officer, and every other person to be appointed or employed in the said department, shall before he enters on the execution of his office or employment, take an oath or affirmation, well and faithfully to execute the trust committed to him. *ibid. § 3.*

4. The Secretary for the department of foreign affairs, to be appointed in consequence of this act, shall forthwith after his appointment, be entitled to have the custody and charge of all records, books and papers in the office of Secretary for the department of foreign affairs, heretofore established by the U. S. in Congress assembled. *ibid. § 4.*



## Fugitives from Justice.

**W**HENEVER the executive authority of any state in the Union, or of either of the territories north-west or south of the river Ohio, shall demand any person as a fugitive from justice, of the executive authority of any such state or territory to which such person shall have fled, and shall moreover produce the copy of an indictment found, or an affidavit made before a magistrate of any state or territory as aforesaid, charging the person so de-

manded, with having committed treason, felony or other crime, certified as authentic by the governor or chief magistrate of the state or territory from whence the person so charged, fled, it shall be the duty of the executive authority of the state or territory to which such person shall have fled, to cause him or her to be arrested and secured, and notice of the arrest to be given to the executive authority making such demand, or to the agent of such authority appointed to receive the fugitive, and to cause the fugitive to be delivered to such agent when he shall appear: But if no such agent shall appear within 6 months from the time of the arrest, the prisoner may be discharged. And all costs or expenses incurred in the apprehending, securing, and transmitting such fugitive to the state or territory making such demand, shall be paid by such state or territory. *Feb. 12, 1793. c. 7. § 1.*

2. Any agent appointed as aforesaid, who shall receive the fugitive into his custody, shall be empowered to transport him or her to the state or territory from which he or she shall have fled. And if any person or persons shall by force set at liberty, or rescue the fugitive from such agent while transporting, as aforesaid, the person or persons so offending shall, on conviction, be fined not exceeding 500 dollars, and be imprisoned not exceeding 1 year. *ibid. § 2.*

3. When a person held to labour in any of the U. S. or in either of the territories on the north-west or south of the river Ohio, under the laws thereof, shall escape into any other of the said states or territory, the person to whom such labour or service may be due, his agent or attorney, is hereby empowered to seize or arrest such fugitive from labour, and to take him or her before any judge of the circuit or district courts of the U. S. residing or being within the state, or before any magistrate of a county, city or town corporate, wherein such seizure or arrest shall be made, and upon proof to the satisfaction of such judge or magistrate, either by oral testimony or affidavit taken before and certified by a magistrate of any such state or territory, that the person so seized or arrested, doth, under the laws of the state or territory from which he or she fled, owe service or labour to the person claiming him or her, it shall be the duty of such judge or magistrate to give a certificate thereof to such claimant, his agent or attorney, which shall be sufficient warrant for removing the said fugitive from labour, to the state or territory from which he or she fled. *ibid. § 3.*

4. Any person who shall knowingly and willingly obstruct or hinder such claimant, his agent or attorney in so seizing or arresting such fugitive from labour, or shall rescue such fugitive from such claimant, his agent or attorney when so arrested pursuant to the authority herein given or declared; or shall harbour or conceal such person after notice that he or she was a fugitive from labour, as aforesaid, shall, for either of the said offences, forfeit and pay 500 dollars. Which penalty may be recovered by and for the benefit of such claimant, by action of debt, in any court proper to

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try the same; saving moreover to the person claiming such labour or service, his right of action for or on account of the said injuries or either of them. *ibid.* § 4.

## Government, Seat of.

1. **A** District of territory, not exceeding 10 miles square, to be located as hereafter directed on the River Potomack, at some place between the mouths of the Eastern-Branch and Connogochegue, is hereby accepted for the permanent seat of the government of the U. S. *Provided*, That the operation of the laws of the state within such district shall not be affected by this acceptance, until the time fixed for the removal of the government thereto, and until Congress shall otherwise by law provide. *July 16, 1790, c. 28, §. 1*
2. The President of the U. S. shall be authorized to appoint, and by supplying vacancies happening from refusals to act or other causes, to keep in appointment as long as may be necessary, 3 commissioners, who, or any 2 of whom, shall, under the direction of the President, survey, and by proper metes and bounds define and limit a district of territory, under the limitations above mentioned; and the district so defined, limited and located, shall be deemed the district accepted by this act, for the permanent seat of the government of the U. S. *ibid.* § 2.
3. The said commissioners, or any 2 of them, shall have power to purchase or accept such quantity of land on the eastern side of the said river, within the said district, as the President shall deem proper for the use of the U. S. and according to such plans as the President shall approve, the said commissioners, or any 2 of them, shall, prior to the first Monday in Dec. in the year 1800, provide suitable buildings for the accommodation of Congress, and of the President, and for the public offices of the government of the U. S. *ibid.* § 3.
4. For defraying the expence of such purchases and buildings, the President of the U. S. shall be authorized and requested to accept grants of money. *ibid.* § 4.
5. Prior to the 1st Monday in Dec. next, all offices attached to the seat of the government of the U. S. shall be removed to, and until the said 1st Monday in Dec. in the year 1800 shall remain at the city of Philadelphia, in the state of Pennsylvania. *ibid.* § 5.
6. On the said 1st Monday in Dec. in the year 1800, the seat of the government of the U. S. shall, by virtue of this act, be transferred to the district & place aforesaid. And all offices attached to the said seat of government, shall accordingly be removed thereto by their respective holders, and shall, after the said day, cease to be exercised elsewhere; and the necessary expence of such removal shall be defrayed out of the duties on imposts and tonnage. *ibid.* § 6.
7. So much of the act, intituled "An act for establishing the tem-



porary and permanent seat of the government of the U. S." as requires that the whole of the district of territory, not exceeding 10 miles square, to be located on the river Potowmack, for the permanent seat of the government of the U. S. shall be located above the mouth of the Eastern Branch, is hereby repealed, and it shall be lawful for the President to make any part of the territory below the said limit, and above the mouth of Hunting Creek, a part of the said district, so as to include a convenient part of the Eastern Branch, and of the lands lying on the lower side thereof, and also the town of Alexandria, and the territory so to be included, shall form a part of the district not exceeding 10 miles square, for the permanent seat of the government of the U. S. in like manner and to all intents and purposes, as if the same had been within the purview of the above recited act: *Provided*, That nothing herein contained, shall authorize the erection of the public buildings otherwise than on the Maryland side of the river Potowmac, as required by the aforesaid act. March 3, 1791, c. 17.

8. The commissioners, under the act for establishing the temporary and permanent seat of the government of the U. S. are authorized, under the direction of the President of the U. S. to borrow, from time to time, such sum or sums of money, as the said President shall direct, not exceeding 300,000 dollars in the whole, and not exceeding 200,000 dollars, in any 1 year, at an interest not exceeding 6 per centum per annum, and reimbursable at any time after the year 1803, by instalments, not exceeding one fifth of the whole sum borrowed, in any 1 year; which said loan or loans shall be appropriated and applied by the said Commissioners, in carrying into effect the above recited act, under the controul of the President of the U. S. May 6, 1796, c. 21, § 1.

9. All the lots, except those now appropriated to public use in the said city, vested in the Commissioners aforesaid, or in trustees, in any manner, for the use of the U. S. now holden and remaining unsold, shall be made chargeable with the re-payment of all and every sum and sums of money, and interest thereupon, which shall be borrowed in pursuance of this act: And, to the end, that the same may be fully and punctually repaid, the said lots, or so many of them as shall be necessary, shall be sold and conveyed, at such times, and in such manner, and on such terms, as the President of the U. S. for the time being, shall direct: And the monies arising from the said sales, shall be applied and appropriated, under his direction, to the discharge of the said loans, after first paying the original proprietors, any balances due to them, respectively, according to their several conveyances to the said Commissioners or trustees. And if the product of the sales of all the said lots shall prove inadequate to the payment of the principal and interest of the sums borrowed under this act, then the deficiency shall be paid by the U. S. agreeably to the terms of the said loans; for it is expressly hereby declared and provided, that the U. S. shall be liable only for the re-payment of the balance of the monies to be borrowed under this act, which shall remain unsatisfied

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by the sales of all the lots aforesaid, if any such balance shall thereafter happen. *ibid.* § 2.

10. Every purchaser or purchasers, his or their heirs or assigns, from the said Commissioners or trustees, under the direction of the said President, of any of the lots herein before mentioned, after paying the price, and fulfilling the terms stipulated and agreed to be paid and fulfilled, shall have, hold and enjoy the said lot or lots so bought, free clear and exonerated from the charge and incumbrance hereby laid upon the same. *ibid.* § 3.

11. The Commissioners aforesaid, shall, semi-annually, render to the Secretary of the Treasury, a particular account of the receipts and expenditures of all monies intrusted to them, and also, the progress and state of the business, and of the funds under their administrations; and the said Secretary shall lay the same before Congress, at every session after the receipt thereof. *ibid.* § 4.

12. The President of the U. S. is authorized to cause to be loaned to the commissioners appointed under the act, intituled "An act establishing the temporary and permanent seat of the government of the U. S." the sum of 100,000 dollars, 50,000 of which shall be advanced in the present year, and the remaining 50,000 shall be advanced in the year 1799. at an interest of 6 per cent. per annum, to be computed upon each instalment, from the time it shall be advanced; which sum of 100,000 dollars is declared to be in full of the monies which the said commissioners are now authorized to borrow, under, the direction of the President of the U. S. by virtue of the act, intituled "An act authorizing a loan for the use of the city of Washington, in the district of Columbia; and for other purposes therein mentioned. April 18, 1798, c. 47, § 1.

13. The sum herein authorized to be borrowed shall be reimbursed by instalments of one fifth part of said loan, and the interest thereon, commencing in the year 1805, and continuing, annually thereafter, till the whole shall be repaid; and all the lots in the city of Washington, now vested in the said commissioners, or in trustees, in any manner, for the use of the U. S. and now remaining unsold, excepting those set apart for public purposes, shall be made chargeable with the re-payment of the sums advanced, in pursuance of this act, and the interest accruing thereon and shall be disposed of in the manner, and under the regulations prescribed by the act herein last mentioned, and the sum of 50,000 dollars, for the present, & 50,000 dollars for the next year, are appropriated for the purposes aforesaid. *ibid.* § 2, 3. See *Quarantine. art. 6. 7.*

## Insolvent Debtors.

1. PERSONS imprisoned on process issuing from any court of the U. S. in civil actions, shall be entitled to like privileges of

the yards or limits of the respective gaols, as persons confined in like cases, on process from the courts of the respective states, are entitled to, and under the like regulations and restrictions. May 28, 1796, c. 38, § 1. *cont. 3 years.*

2. Any person imprisoned as aforesaid, may have the oath or affirmation herein-after expressed, administered to him by any judge of the U. S. and in case there shall be no judge of the U. S. residing within 20 miles of the gaol wherein such debtor may be confined, such oath or affirmation may be administered by any 2 persons, who may be commissioned for that purpose by the judge of the district-court of the U. S. within whose jurisdiction the debtor may be confined; the creditor, his agent or attorney, if either live within 100 miles of the place of imprisonment, or within the district in which the judgment was rendered, having had at least 30 days previous notice by a citation served on him, issued by the district judge, to appear at the time therein mentioned at the said gaol, if he see fit to shew cause, why the said oath or affirmation should not be so administered: at which time and place, if no sufficient cause, in the opinion of the judge, (or the commissioners appointed as aforesaid) be shewn, or doth, from examination, appear to the contrary, he (or they) may, at the request of the debtor, proceed to administer to him the following oath or affirmation, as the case may be, viz. "You, , solemnly swear (or affirm) that you have not estate, real or personal, nor is any, to your knowledge, holden in trust for you, (necessary wearing apparel excepted) to the amount or value of 30 dollars, nor sufficient to pay the debt for which you are imprisoned."—Which oath or affirmation being administered, the judge or commissioners shall certify the same under his or their hands to the prison-keeper, and the debtor shall be discharged from his imprisonment on such judgment, and shall not be liable to be imprisoned again for the said debt, but the judgment shall remain good and sufficient in law, and may be satisfied out of any estate which may then or at any time afterwards belong to the debtor. And whenever the oath aforesaid shall be administered by commissioners, in addition to the certificate by them made and delivered to the prison-keeper, they shall make return of their doings to the district-court with the commission to them issued, to be kept upon the files and records of the same court. *ibid.* § 2.

3. If any person shall falsely take the oath or affirmation aforesaid, such person shall be deemed guilty of perjury, and upon conviction thereof, shall suffer the pains and penalties in that case provided. And the court, upon the motion of the creditor, shall re-commit the debtor to the prison from whence he was liberated, there to be detained for the said debt, in the same manner as if such oath or affirmation had not been taken. *ibid.* § 3.

4. The act, intitled, "An act to continue in force the act for the relief of persons imprisoned for debt," is hereby repealed. *ibid.* § 4.

5. Any person imprisoned upon execution issuing from any court of the U. S. for a debt due to the U. S. which he shall be unable

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to pay, may, at any time after commitment, make application, in writing, to the Secretary of the Treasury, stating the circumstances of his case, and his inability to discharge the debt; and it shall thereupon be lawful for the said Secretary to make, or require to be made, an examination and enquiry into the circumstances of the debtor, either by the oath or affirmation of the debtor, (which the said Secretary, or any other person by him specially appointed, are hereby authorized to administer) or otherwise, as the said Secretary shall deem necessary and expedient, to ascertain the truth; and upon proof being made to his satisfaction, that such debtor is unable to pay the debt for which he is imprisoned, and that he hath not concealed, or made any conveyance of his estate, in trust, for himself, or with an intent to defraud the U. S. or deprive them of their legal priority, the said Secretary is hereby authorized to receive from such debtor, any deed, assignment, or conveyance of the real or personal estate of such debtor, if any he hath, or any collateral security, to the use of the U. S. and upon a compliance by the debtor, with such terms and conditions as the said Secretary may judge reasonable and proper, under all the circumstances of the case, it shall be lawful for the said Secretary to issue his order, under his hand, to the keeper of the prison, directing him to discharge such debtor from his imprisonment under such execution, and he shall be accordingly discharged, and shall not be liable to be imprisoned again for the said debt; but the judgment shall remain good and sufficient in law, and may be satisfied out of any estate which may then, or at any time afterwards, belong to the debtor. June 6, 1798, c. 66, § 1.

6. If any person shall falsely take an oath or affirmation under this act, he shall be deemed guilty of perjury, and be subject to the pains and penalties provided in the 3 § of an act, intituled "An act for the relief of persons imprisoned for debt." *ibid.* § 2. (see *art.* 3.)

7. The benefit of this act shall not be extended to any person imprisoned for any fine, forfeiture or penalty, incurred by a breach of any law of the U. S. or for monies had and received by any officer, agent, or other person, for their use. *ibid.* § 3.

8. Any person imprisoned upon process issuing from any court of the U. S. in any civil action, against whom judgment has been, or shall be recovered, shall be entitled to the privileges and relief provided by an act, intituled "An act for the relief of persons imprisoned for debt," under the regulations and restrictions of the same act, after the expiration of 30 days from the time such judgment has been, or shall be recovered, though the creditor should not, within that time, sue out his execution, and charge the debtor therewith. June 6, 1798, c. 67.

## Intercourse with Foreign Nations.

1. **T**HE President of the U. S. is authorized to draw from the Treasury of the U. S. a sum not exceeding 40,000 dollars, annually, to be paid out of the monies arising from the duties on imports and tonnage, for the support of such persons as he shall commission to serve the U. S. in foreign parts, and for the expense incident to the business in which they may be employed: *Provided*, that exclusive of an outfit, which shall, in no case, exceed the amount of 1 year's full salary to the minister plenipotentiary, or charge des affaires, to whom the same may be allowed, the President shall not allow to any minister plenipotentiary, a greater sum than at the rate of 9000 dollars per annum, as a compensation for all his personal services and expenses; nor a greater sum for the same, than 4500 dollars per annum, to a charge des affaires; nor a greater sum for the same, than 1350 dollars per annum, to the secretary of any minister plenipotentiary. March 19, 1798, c. 34, § 1. *continued until the end of the first session of the sixth Congress.*

2. In all cases, where any sum or sums of money have issued, or shall hereafter issue from the treasury, for the purposes of intercourse or treaty, with foreign nations, in pursuance of any law, the President shall be authorized to cause the same to be duly settled annually with the accounting officers of the treasury, in manner following, that is to say, by causing the same to be accounted for, specifically in all instances wherein the expenditure thereof may, in his judgment, be made public; and by making a certificate or certificates, or causing the Secretary of State to make a certificate or certificates of the amount of such expenditures as he may think it advisable not to specify; and every such certificate shall be deemed a sufficient voucher for the sum or sums therein expressed to have been expended. *ibid.* § 2.

3. The act passed on the first day of July, in the year 1790, intituled, "An act providing the means of intercourse between the U. S. and foreign nations," and the act passed on the 9th day of Feb. in the year 1793, intituled, "An act to continue in force for a limited time, and amend the act, intituled, "An act providing the means of intercourse between the U. S. and foreign nations," are repealed. *ibid.* § 4.

## Intercourse & Trade with Indian tribes.

1. **T**HE following boundary line, established by treaty between the U. S. and various Indian tribes, shall be clearly ascertained, and distinctly marked, in all such places, as the President

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of the U. S. shall deem necessary, and in such manner as he shall direct, to wit : Beginning at the mouth of the Cayahoga river on Lake Erie, and running thence up the same, to the portage between that and the Tuscaroras branch of the Muskingum ; thence, down that branch, to the crossing place above Fort Laurence ; thence, westwardly to a fork of that branch of the Great Miami river running into the Ohio, at, or near which fork, stood Larcemie's store, and where commences the portage, between the Miami of the Ohio, and St. Mary's river, which is a branch of the Miami, which runs into Lake Erie ; thence a westwardly course to Fort Recovery, which stands on a branch of the Wabash, thence south-westwardly, in a direct line to the Ohio, so as to intersect that river, opposite the mouth of Kentucky or Cuttawba river ; thence down the said river Ohio, to the tract of 150,000 acres near the rapids of the Ohio, which has been assigned to General Clarke, for the use of himself and his warriors ; thence around the said tract, on the line of the said tract, till it shall again intersect the said river, Ohio ; thence down the same, to a point opposite the high lands or ridge between the mouth of the Cumberland and Tennessee rivers ; thence south-eastwardly on the said ridge, to a point, from whence a south-west line will strike the mouth of Duck river ; thence still eastwardly on the said ridge, to a point 40 miles above Nashville ; thence north-east, to Cumberland river ; thence up the said river, to where the Kentucky road crosses the same ; thence to the Cumberland mountain, at the point of Campbell's line ; thence in a south-westwardly direction along the foot of the Cumberland mountains to Emory's river ; thence down the same to its junction with the river Clinch ; thence down the river Clinch to Hawkin's line ; thence along the same to a white oak, marked 1 mile Tree ; thence south 51 degrees west, 328 chains to a large ash tree on the bank of the river Tennessee, 1 mile below south-west point ; thence up the north-east margin of the river Tennessee (not including islands) to the Wild Cat Rock below Tellico block-house ; thence in a direct line to the Militia Spring near the Maryville road leading from Tellico ; thence from the said Spring to the Chilhowee mountain by a line so to be run, as will leave all the farms on Nine-mile creek to the northward and eastward of it, and to be continued along the Chilhowee mountain until it strikes Hawkins's line ; thence along the said line to the Great Iron mountain ; and from the top of which a line to be continued in a south-eastwardly course to where the most southern branch of Little river crosses the divisional line to Tugaloo river ; thence along the South-Carolina Indian boundary, to and over the Oconna mountain, in a south-west course to Tugaloo river ; thence in a direct line to the top of Currahee mountain, where the creek line passes it ; thence to the head or source of the main south branch of the Oconee river, called the Appalachee ; thence down the middle of the said main south branch and river Oconee, to its confluence with Oakmulgee, which forms the river Altamaha ; thence down the middle of the said Altamaha, to the old line on the said



river; and thence along the said old line to the river Saint Mary's: *Provided always*, That if the boundary line between the said Indian tribes and the U. S. shall, at any time hereafter, be varied, by any treaty which shall be made between the said Indian tribes and the U. S. then all the provisions contained in this act shall be construed to apply to the said line so to be varied, in the same manner, as said provisions apply by force of this act to the boundary line herein before recited. March 3, 1799, c. 152. § 1.

2. If any citizen of, or other person resident in the U. S. or either of the territorial districts of the U. S. shall cross over, or go within the said boundary line, to hunt, or in any wise destroy the game; or shall drive, or otherwise convey any stock of horses or cattle to range on any lands allotted or secured by treaty with the U. S. to any Indian tribes, he shall forfeit a sum not exceeding 100 dollars, or be imprisoned not exceeding 6 months. *ibid.* § 2.

3. If any such citizen, or other person, shall go into any country, which is allotted, or secured by treaty as aforesaid, to any of the Indian tribes south of the river Ohio, without a passport first had and obtained from the governor of some one of the U. S. or the officer of the troops of the U. S. commanding at the nearest post on the frontiers, or such other person, as the President of the U. S. may from time to time authorize to grant the same, shall forfeit a sum not exceeding 50 dollars or be imprisoned not exceeding 3 months. *ibid.* § 3.

4. If any such citizen or other person, shall go into any town, settlement or territory, belonging, or secured by treaty with the U. S. to any nation or tribe of Indians, and shall there commit robbery, larceny, trespass or other crime, against the person or property of any friendly Indian or Indians, which would be punishable, if committed within the jurisdiction of any state, against a citizen of the U. S. or unauthorized by law, and with a hostile intention, shall be found on any Indian land, such offender shall forfeit a sum not exceeding 100 dollars, and be imprisoned not exceeding 12 months; and shall also, when property is taken or destroyed, forfeit and pay to such Indian or Indians, to whom the property taken and destroyed belongs, a sum equal to twice the just value of the property so taken or destroyed: And if such offender shall be unable to pay a sum at least equal to the said just value, whatever such payment shall fall short of the said just value, shall be paid out of the Treasury of the U. S. *Provided*, That no such Indian shall be entitled to any payment out of the Treasury of the U. S. for any such property taken or destroyed, if he, or any of the nation to which he belongs, shall have sought private revenge, or attempted to obtain satisfaction by any force or violence. *ibid.* § 4.

5. If any such citizen, or other person, shall make a settlement on any lands belonging, or secured, or granted by treaty with the U. S. to any Indian tribe, or shall survey, or attempt to survey, such lands, or designate any of the boundaries, by marking trees, or otherwise, such offender shall forfeit all his

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right, title and claim, if any he hath, of whatsoever nature or kind the same shall or may be, to the lands aforesaid, whereupon he shall make a settlement, or which he shall survey, or attempt to survey, or designate any of the boundaries thereof, by marking trees or otherwise, and shall also forfeit a sum not exceeding 1000 dollars, and suffer imprisonment, not exceeding 12 months. And it shall, moreover, be lawful for the President of the U. S. to take such measures and to employ such military force, as he may judge necessary, to remove from lands belonging, or secured by treaty, as aforesaid, to any Indian tribe, any such citizen or other person, who has made or shall hereafter make, or attempt to make a settlement thereon: And every right, title, or claim forfeited under this act, shall be taken and deemed to be vested in the U. S. upon conviction of the offender, without any other or further proceeding. *ibid.* § 5.

6. If any such citizen, or other person, shall go into any town, settlement or territory belonging to any nation or tribe of Indians, and shall there commit murder, by killing any Indian or Indians belonging to any nation or tribe of Indians in amity with the U. S. such offender, on being thereof convicted, shall suffer death. *ibid.* § 6.

7. No such citizen, or other person, shall be permitted to reside at any of the towns, or hunting camps, of any of the Indian tribes as a trader, without a license under the hand and seal of the superintendant of the department, or of such other person as the President of the U. S. shall authorize to grant licenses for that purpose: Which superintendant, or person authorized, shall, on application, issue such license, for a term not exceeding 2 years, who shall enter into bond with one or more sureties, approved of by the superintendant, or person issuing such license, or by the President of the U. S. in the penal sum of 1000 dollars, conditioned for the true and faithful observance of such regulations and restrictions, as are, or shall be made for the government of trade and intercourse with the Indian tribes: And the superintendant, or person issuing such license, shall have full power and authority to recal the same, if the person so licensed shall transgress any of the regulations, or restrictions, provided for the government of trade and intercourse with the Indian tribes; and shall put in suit such bonds as he may have taken, on the breach of any condition therein contained. *ibid.* § 7.

8. Any such citizen or other person, who shall attempt to reside in any town, or hunting camp, of any of the Indian tribes, as a trader, without such license, shall forfeit all the merchandise offered for sale, to the Indians, or found in his possession, and shall, moreover, be liable to a fine not exceeding 100 dollars, and to imprisonment not exceeding 30 days. *ibid.* § 8.

9. If any such citizen, or other person, shall purchase, or receive of any Indian, in the way of trade or barter, a gun, or other article commonly used in hunting, any instrument of husbandry, or cooking utensil, of the kind usually obtained by the Indians, in

their intercourse with white people, or any article of clothing, excepting skins or furs, he shall forfeit a sum not exceeding 50 dollars, and be imprisoned not exceeding 30 days. *ibid.* § 9.

10. No such citizen, or other person, shall be permitted to purchase any horse of an Indian, or of any white man in the Indian territory, without special license for that purpose; which license, the superintendant, or such other person, as the President shall appoint, is hereby authorized to grant, on the same terms, conditions and restrictions, as other licenses are to be granted under this act. And any such person, who shall purchase a horse or horses, under such license, before he exposes such horse or horses for sale, and within 15 days after they have been brought out of the Indian country, shall make a particular return to the superintendant, or other person, from whom he obtained his license, of every horse purchased by him, as aforesaid; describing such horses, by their colour, height, and other natural or artificial marks, under the penalty contained in their respective bonds. And every such person, purchasing a horse or horses, as aforesaid, in the Indian country, without a special license, shall, for every horse thus purchased and brought into any settlement of citizens of the U. S. forfeit a sum not exceeding 100 dollars, and be imprisoned not exceeding 30 days. And every person, who shall purchase a horse, knowing him to be brought out of the Indian territory, by any person or persons, not licensed, as above, to purchase the same, shall forfeit the value of such horse. *ibid.* § 10.

11. No agent, superintendant, or other person authorized to grant a license to trade, or purchase horses, shall have any interest or concern in any trade with the Indians, or in the purchase or sale of any horse, to or from any Indian, excepting for, and on account of the U. S. And any person offending herein, shall forfeit a sum not exceeding 1000 dollars, and be imprisoned not exceeding 12 months. *ibid.* § 11.

12. No purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian, or nation or tribe of Indians, within the bounds of the U. S. shall be of any validity, in law or equity, unless the same be made by treaty or convention, entered into, pursuant to the constitution: And it shall be a misdemeanor in any person, not employed under the authority of the U. S. to negotiate such treaty or convention, directly or indirectly, to treat with any such Indian nation, or tribe of Indians, for the title or purchase of any lands by them held, or claimed, punishable by fine not exceeding 1000 dollars, and imprisonment not exceeding 12 months: *Provided*, that it shall be lawful for the agent or agents of any state, who may be present at any treaty held with Indians under the authority of the U. S. in the presence, and with the approbation of the commissioner or commissioners of the U. S. appointed to hold the same, to propose to, and adjust with the Indians, the compensation to be made, for their claims to lands within such state, which shall be extinguished by the treaty. *ibid.* § 12.

13. In order to promote civilization among the friendly Indian



tribes, and to secure the continuance of their friendship, it shall be lawful for the President of the U. S. to cause them to be furnished with useful domestic animals, and implements of husbandry, and with goods or money, as he shall judge proper, and to appoint such persons, from time to time, as temporary agents, to reside among the Indians, as he shall think fit: *Provided*, that the whole amount of such presents, and allowance to such agents, shall not exceed 15,000 dollars per annum. *ibid.* § 13.

14. If any Indian or Indians, belonging to any tribe in amity with the U. S. shall come over or cross the said boundary line, into any state or territory inhabited by citizens of the U. S. and there take steal or destroy any horse, horses, or other property, belonging to any citizen or inhabitant of the U. S. or of either of the territorial districts of the U. S. or shall commit any murder, violence or outrage, upon any such citizen or inhabitant, it shall be the duty of such citizen or inhabitant, his representative, attorney or agent, to make application to the superintendant, or such other person as the President of the U. S. shall authorize for that purpose; who, upon being furnished with the necessary documents and proofs, shall, under the direction or instruction of the President of the U. S. make application to the nation or tribe, to which such Indian or Indians shall belong, for satisfaction; and if such nation or tribe shall neglect or refuse to make satisfaction, in a reasonable time, not exceeding 18 months, then it shall be the duty of such superintendant or other person authorized as aforesaid, to make return of his doings to the President of the U. S. and forward to him all the documents and proofs in the case, that such further steps may be taken, as shall be proper to obtain satisfaction for the injury: And in the mean time, in respect to the property so taken, stolen, or destroyed, the U. S. guaranty to the party injured, an eventual indemnification: *Provided always*, that if such injured party, his representative, attorney, or agent, shall, in any way, violate any of the provisions of this act, by seeking, or attempting to obtain private satisfaction or revenge, by crossing over the line, on any of the Indian lands, he shall forfeit all claim upon the U. S. for such indemnification: *And provided also*, that nothing herein contained shall prevent the legal apprehension or arresting, within the limits of any state or district, of any Indian having so offended: *And provided further*, that it shall be lawful for the President of the U. S. to deduct such sum or sums, as shall be paid for the property taken, stolen or destroyed by any such Indian, out of the annual stipend, which the United States are bound to pay to the tribe, to which such Indian shall belong. *ibid.* § 14.

15. The superior courts in each of the said territorial districts, and the circuit courts, and other courts of the U. S. of similar jurisdiction in criminal causes, in each district of the U. S. in which any offender against this act shall be apprehended, or, agreeably to the provisions of this act, shall be brought for trial, shall have, and are hereby invested with full power and authority to hear

and determine all crimes, offences and misdemeanors, against this act : such courts proceeding therein, in the same manner, as if such crimes, offences and misdemeanors had been committed within the bounds of their respective districts : And in all cases, where the punishment shall not be death, the county courts of quarter sessions in the said territorial districts, and the district courts of the U. S. in their respective districts, shall have, and are hereby invested with like power to hear and determine the same : And in all cases, where the punishment shall be death, it shall be lawful for the governor of either of the territorial districts, where the offender shall be apprehended, or into which he shall be brought for trial, to issue a commission of oyer and terminer to the superior judges of such district, who shall have full power and authority to hear and determine all such capital cases, in the same manner as the superior courts of such district have in their ordinary sessions : And when the offender shall be apprehended, or brought for trial, into any of the U. S. except Kentucky, it shall be lawful for the President of the U. S. to issue a like commission to any one or more judges of the supreme court of the U. S. and the judge of the district, in which such offender may have been apprehended or shall have been brought for trial ; which judges, or any 2 of them, shall have the same jurisdiction in such capital cases, as the circuit court of such district, and shall proceed to trial and judgment, in the same manner, as such circuit court might or could do. And the district courts of Kentucky and Maine shall have jurisdiction of all crimes, offences and misdemeanors committed against this act, and shall proceed to trial and judgment, in the same manner, as the circuit courts of the U. S. *ibid.* § 15.

16. It shall be lawful for the military force of the U. S. to apprehend every person who shall, or may be found in the Indian country over and beyond the said boundary line between the U. S. and the said Indian tribes, in violation of any of the provisions or regulations of this act, and him or them immediately to convey, in the nearest, convenient and safe route, to the civil authority of the U. S. in some one of the three next adjoining states or districts, to be proceeded against in due course of law : *Provided*, that no person, apprehended by military force as aforesaid, shall be detained longer than 5 days after the arrest, and before removal. And all officers and soldiers, who may have any such person or persons in custody, shall treat them with all the humanity which the circumstances will possibly permit ; and every officer and soldier who shall be guilty of mal-treating any such person, while in custody, shall suffer such punishment as a court-martial shall direct. *Provided*, that the officer having custody of such person or persons shall, if required by such person or persons, conduct him or them to the nearest judge of the supreme or superior court of any state, who, if the offence is bailable, shall take proper bail if offered, returnable to the district court next to be holden in said district, which bail the said judge is hereby authorized to take, and which shall be liable to be estreated as any other recognizance for bail

in any court of the U. S. and if said judge shall refuse to act, or the person or persons fail to procure satisfactory bail, then the said person or persons are to be proceeded with according to the directions of this act. *ibid.* § 16.

17. If any person, who shall be charged with a violation of any of the provisions or regulations of this act, shall be found within any of the U. S. or either of the territorial districts of the U. S. such offender may be there apprehended and brought to trial, in the same manner as if such crime or offence had been committed within such state or district; and it shall be the duty of the military force of the U. S. when called upon by the civil magistrate, or any proper officer, or other person duly authorized for that purpose, and having a lawful warrant, to aid and assist such magistrate, officer, or other person authorized, as aforesaid, in arresting such offender, and him committing to safe custody for trial according to law. *ibid.* § 17.

18. The amount of fines, and duration of imprisonment, directed by this act as a punishment for the violation of any of the provisions thereof, shall be ascertained and fixed, not exceeding the limits prescribed, in the discretion of the court, before whom the trial shall be had; and all fines and forfeitures, which shall accrue under this act, shall be, one half to the use of the informant, & the other half to the use of the U. S. Except where the prosecution shall be first instituted on behalf of the U. S. in which case, the whole shall be to their use. *ibid.* § 18.

19. Nothing in this act shall be construed to prevent any trade or intercourse with Indians living on lands surrounded by settlements of the citizens of the U. S. and being within the ordinary jurisdiction of any of the individual states; or the unmolested use of a road from Washington district, to Mero district, and of the navigation of the Tennessee river, as reserved & secured by treaty; nor shall this act be construed to prevent any person or persons travelling from Knoxville to Price's settlement (so called) provided they shall travel in the trace or path which is usually travelled, and provided the Indians make no objection; but if the Indians object, the President of the U. S. is hereby authorized to issue a proclamation, prohibiting all travelling on said trace, after which, the penalties of this act shall be incurred by every person travelling or being found on said trace, within the indian boundary without a passport. *ibid.* § 19.

20. The President of the U. S. is hereby authorized to cause to be clearly ascertained, & distinctly marked, in all such places as he shall deem necessary, and in such manner as he shall direct, any other boundary lines between the U. S. and any Indian tribe, which now are, or hereafter may be established by treaty. *ibid.* § 20.

21. This act shall be in force from and after the third day of March, 1799, and shall continue in force 3 years; and so far as respects the proceedings under this act, it is to be understood, that the act, intituled 'An act to amend an act intituled an act giving effect to the laws of the U. S. within the district of Tennessee,'



is not to operate. And all disabilities which have taken place shall continue and remain; and all penalties and forfeitures, that may have been incurred, may be recovered, and all prosecutions and suits which may have been commenced, may be prosecuted to final judgment, under the act, to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers: which act expires on the 3d March 1799, in the same manner as if it was continued in force. *ibid.* § 16.

## Intercourse, Commercial, *with France suspended.*

1. **AFTER** the 3rd March next, no ship or vessel owned, hired or employed, wholly, or in part, by any person resident within the U. S. and which shall depart therefrom shall be allowed to proceed directly, or from any intermediate port or place, to any port or place within the territory of the French Republic, or the dependencies thereof, or to any place in the West-Indies, or elsewhere, under the acknowledged government of France, or shall be employed in any traffic or commerce with or for any person resident within the jurisdiction, or under the authority of the French Republic. And if any ship or vessel, in any voyage thereafter commencing, and before her return within the U. S. shall be voluntarily carried or suffered to proceed to any French port or place, as aforesaid, or shall be employed, as aforesaid, contrary to the intent hereof, every such ship or vessel, together with her cargo, shall be forfeited; and shall accrue, the one half to the use of the U. S. and the other half to the use of any person or persons, citizens of the U. S. who will inform and prosecute for the same; and shall be liable to be seized, and may be prosecuted and condemned, in any circuit or district court of the U. S. which shall be holden within or for the district where the seizure shall be made. Feb. 9, 1799, c. 108, § 1. *cont. to the 3d March 1800.*

2. From & after the passing of this act, no clearance for a foreign voyage shall be granted to any ship or vessel, owned, hired or employed, wholly or in part, by any person resident within the U. S. until a bond shall be given, to the use of the U. S. wherein the owner or employer, if usually resident or present where the clearance shall be required, and otherwise his agent or factor, and the master or captain of such ship or vessel, for the intended voyage, shall be parties, in a sum equal to the value of the ship or vessel, and to one third of the value of her cargo, and shall find sufficient surety or sureties to the amount of one half of the principal sum, with condition that the same shall not, during her intended voyage, or before her return within the U. S. proceed or be carried, directly or indirectly to any port or place within the territory of the French Republic, or the dependencies thereof, or

any place in the West-Indies, or elsewhere, under the acknowledged government of France, unless by actual force and violence, to be fully proved and manifested before the acquittance of such bond, and that such vessel is not, and shall not be employed, during her intended voyage, or before her return, as aforesaid, in any traffic or commerce, with or for any person resident within the territory of that Republic, or in any of the dependencies thereof. — *Provided*, That in no case, the surety or sureties shall be answerable for more than 10,000 dollars. *ibid.* § 2.

3. From and after the said 3rd March, no French ship or vessel, armed or unarmed, commissioned by or for, or under the authority of the French Republic, or owned, fitted, hired or employed by any person resident within the territory of that Republic, or any of the dependencies thereof, or sailing or coming therefrom, (excepting as is herein-after excepted) shall be allowed an entry, or to remain within the territory of the U. S. unless driven thither by distress of weather, or in want of provisions. And if, contrary to the intent hereof, any such ship or vessel shall be found within the jurisdictional limits of the U. S. not being liable to seizure for any other cause, the company having charge thereof, shall be required to depart and carry away the same, avoiding all unnecessary delay; and if they shall, notwithstanding, remain, it shall be the duty of the collector of the district wherein, or nearest to which, such ship or vessel shall be, to seize and detain the same, at the expence of the U. S. *Provided*, That in the case of vessels hereby prohibited, which shall be driven by distress of weather, or want of provisions, into any port or place of the U. S. they may be suffered to remain under the custody of the collector there, or nearest thereto, until suitable repairs or supplies can be obtained; and as soon as may be thereafter, shall be required and suffered to depart; but no part of the lading of such vessel shall be taken out, or disposed of, unless by the special permit of such collector, to defray the unavoidable expence of such repairs or supplies. *ibid.* § 3.

4. At any time after the passing of this act, it shall be lawful for the President of the U. S. if he shall deem it expedient and consistent with the interest of the U. S. by his order, to remit and discontinue, for the time being, the restraints and prohibitions aforesaid, either with respect to the French Republic, or to any island, port or place belonging to the said Republic, with which a commercial intercourse may safely be renewed; and also to revoke such order, whenever, in his opinion, the interest of the U. S. shall require; and he is authorized to make proclamation thereof accordingly. *ibid.* § 4.

5. It shall be lawful for the President of the U. S. to give instructions to the commanders of the public armed ships of the U. S. to stop and examine any ship or vessel of the U. S. on the high sea, which there may be reason to suspect to be engaged in any traffic or commerce contrary to the true tenor hereof; and if, upon examination, it shall appear that such ship or vessel is bound

is not to operate. And all disabilities which have taken place shall continue and remain; and all penalties and forfeitures, that may have been incurred, may be recovered, and all prosecutions and suits which may have been commenced, may be prosecuted to final judgment, under the act, to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers: which act expires on the 3d March 1799, in the same manner as if it was continued in force. *ibid.* § 16.

## Intercourse, Commercial, *with France suspended.*

1. AFTER the 3rd March next, no ship or vessel owned, hired or employed, wholly, or in part, by any person resident within the U. S. and which shall depart therefrom shall be allowed to proceed directly, or from any intermediate port or place, to any port or place within the territory of the French Republic, or the dependencies thereof, or to any place in the West-Indies, or elsewhere, under the acknowledged government of France, or shall be employed in any traffic or commerce with or for any person resident within the jurisdiction, or under the authority of the French Republic. And if any ship or vessel, in any voyage thereafter commencing, and before her return within the U. S. shall be voluntarily carried or suffered to proceed to any French port or place, as aforesaid, or shall be employed, as aforesaid, contrary to the intent hereof, every such ship or vessel, together with her cargo, shall be forfeited; and shall accrue, the one half to the use of the U. S. and the other half to the use of any person or persons, citizens of the U. S. who will inform and prosecute for the same; and shall be liable to be seized, and may be prosecuted and condemned, in any circuit or district court of the U. S. which shall be holden within or for the district where the seizure shall be made. Feb. 9, 1799, c. 103, § 1. *cont. to the 3rd March 1800.*

2. From & after the passing of this act, no clearance for a foreign voyage shall be granted to any ship or vessel, owned, hired or employed, wholly or in part, by any person resident within the U. S. until a bond shall be given, to the use of the U. S. wherein the owner or employer, if usually resident or present where the clearance shall be required, and otherwise his agent or factor, and the master or captain of such ship or vessel, for the intended voyage, shall be parties, in a sum equal to the value of the ship or vessel, and to one third of the value of her cargo, and shall find sufficient surety or sureties to the amount of one half of the principal sum, with condition that the same shall not, during her intended voyage, or before her return within the U. S. proceed or be carried, directly or indirectly to any port or place within the territory of the French Republic, or the dependencies thereof, or



any place in the West-Indies, or elsewhere, under the acknowledged government of France, unless by actual force and violence, to be fully proved and manifested before the acquittance of such bond, and that such vessel is not, and shall not be employed, during her intended voyage, or before her return, as aforesaid, in any traffic or commerce, with or for any person resident within the territory of that Republic, or in any of the dependencies thereof. —*Provided*, That in no case, the surety or sureties shall be answerable for more than 10,000 dollars. *ibid.* § 2.

3. From and after the said 3rd March, no French ship or vessel, armed or unarmed, commissioned by or for, or under the authority of the French Republic, or owned, fitted, hired or employed by any person resident within the territory of that Republic, or any of the dependencies thereof, or sailing or coming therefrom, (excepting as is herein-after excepted) shall be allowed an entry, or to remain within the territory of the U. S. unless driven thither by distress of weather, or in want of provisions. And if, contrary to the intent hereof, any such ship or vessel shall be found within the jurisdictional limits of the U. S. not being liable to seizure for any other cause, the company having charge thereof, shall be required to depart and carry away the same, avoiding all unnecessary delay; and if they shall, notwithstanding, remain, it shall be the duty of the collector of the district wherein, or nearest to which, such ship or vessel shall be, to seize and detain the same, at the expence of the U. S. *Provided*, That in the case of vessels hereby prohibited, which shall be driven by distress of weather, or want of provisions, into any port or place of the U. S. they may be suffered to remain under the custody of the collector there, or nearest thereto, until suitable repairs or supplies can be obtained; and as soon as may be thereafter, shall be required and suffered to depart; but no part of the lading of such vessel shall be taken out, or disposed of, unless by the special permit of such collector, to defray the unavoidable expence of such repairs or supplies. *ibid.* § 3.

4. At any time after the passing of this act, it shall be lawful for the President of the U. S. if he shall deem it expedient and consistent with the interest of the U. S. by his order, to remit and discontinue, for the time being, the restraints and prohibitions aforesaid, either with respect to the French Republic, or to any island, port or place belonging to the said Republic, with which a commercial intercourse may safely be renewed; and also to revoke such order, whenever, in his opinion, the interest of the U. S. shall require; and he is authorized to make proclamation thereof accordingly. *ibid.* § 4.

5. It shall be lawful for the President of the U. S. to give instructions to the commanders of the public armed ships of the U. S. to stop and examine any ship or vessel of the U. S. on the high sea, which there may be reason to suspect to be engaged in any traffic or commerce contrary to the true tenor hereof; and if, upon examination, it shall appear that such ship or vessel is bound

or sailing to any port or place within the territory of the French Republic, or her dependencies, contrary to the intent of this act, it shall be the duty of the commander of such public armed vessel, to seize every ship or vessel engaged in such illicit commerce, and send the same to the nearest port in the U. S. and every such ship or vessel, thus bound or sailing to any such port or place, shall, upon due proof thereof, be liable to the like penalties and forfeitures, as are provided in and by the 1st. § of this act. *ibid.* § 5.

6. Whenever any ship or vessel, owned wholly or in part, or employed by any citizen or citizens of the U. S. and coming from any port or place within the territory of the French Republic, or the dependencies thereof, which has arrived within any port or place of the U. S. since the first day of Dec. last past, or which shall hereafter arrive, hath been or hereafter shall be seized and detained by virtue of this act, or of an act, entitled "An act to suspend the commercial intercourse between the U. S. & France, & the dependencies thereof,"—it shall be lawful for any person claiming such ship or vessel, to prefer his petition to the judge of the district in which such seizure shall be made, setting forth the circumstances of his case, and to pray that the same ship or vessel, and her cargo, may be restored; and the said judge shall thereupon enquire, in a summary manner, into the circumstances of the case, first causing reasonable notice to be given to the attorney of the U. S. for such district, and to the collector of the district by whom such seizure or detention hath been or shall be made, that each may have an opportunity of shewing cause against the prayer of such petition; and shall cause the facts which shall appear upon such enquiry, to be stated and annexed to the petition, and direct their transmission to the Secretary of the Treasury; and if it shall appear to his satisfaction, that such ship or vessel was captured or driven into such port or place by distress of weather, or want of provisions, or was unavoidably detained and delayed by some embargo, arrest, capture, contrary winds, or other unavoidable casualty, without any fault, wilful negligence, or intention to evade the provisions of the act before mentioned, or of this act, in any such claimant, the Secretary of the Treasury shall order the restoration of said vessel and cargo, to such claimant, upon such terms and conditions as he may deem reasonable and just; otherwise, and in all cases wherein such petition shall not be presented, every ship or vessel that has arrived since the said 1st day of Dec. from any port or place in the French republic, or the dependencies thereof, or which shall hereafter arrive within any port or place of the U. S. unless driven by stress of weather or want of provisions, shall be liable to be prosecuted and condemned in the same manner, and to the same uses as are provided in and by the 1 § of this act; and like proceedings shall also be had, and like forfeitures incurred, as are herein provided with respect to vessels coming from France, and the dependencies thereof, in all cases when any ship or vessel shall arrive in any port or place of the U. S. from any port or place, with which all commercial intercourse

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shall be prohibited by proclamation, according to the intent of this act. *ibid.* § 6.

7. Nothing in this act contained, shall extend to any ship or vessel to which the President of the U. S. shall grant a permission to enter or to clear; which permission he is hereby authorised to grant to vessels which shall be solely employed in any purpose of political or national intercourse, or to aid the departure of any French persons, with their goods and effects, who shall have been resident within the U. S. when he may think requisite. *ibid.* § 7.



## Invalid Pensions.

1. EACH of the officers, non-commissioned officers and soldiers, who were wounded and disabled, in the service of the U. S. and who are now placed on the books in the office of the secretary for the department of war, as a pensioner, or to be so placed in conformity to any law of this Congress, shall receive from the register of the treasury, who is hereby required to grant the same, a certificate, to be liquidated and settled in such manner as the Secretary of the Treasury shall direct, for a sum equal to the pension annually due to him, to commence from the time he became entitled thereto, or from the time to which the same had been paid, as the case may be, which shall be ascertained and certified by the said Secretary for the department of war, and which annuity shall be liquidated to the 4th March, 1789, from which day the U. S. have assumed the payment of the pensions certified by the several states. And in case of the death of any person so entitled, the certificate shall pass to his heirs or legal representative or representatives. Aug. 11, 1790, c. 45, § 3.

2. The widow or orphan of each officer, non-commissioned officer or soldier who was killed or died whilst in the service of the U. S. and who is now placed on the books in the office of the said Secretary, as entitled to a pension, by virtue of any act of the late Congress, or any law of this Congress, and for whom provision has not been made by any state, and to whom any arrears of such pension are due, and which have arisen prior to the 4th March 1789, shall receive a certificate therefor in like manner, and on the same principles, as certificates are by this act directed to be given to officers, non-commissioned officers and soldiers, who were wounded or disabled as aforesaid. *ibid.* § 4.

3. The operation of the resolutions of the late Congress of the U. S. passed on the 2nd day of Nov. 1785 and the 23d day of July 1787, so far as they have barred, or may be construed to bar the claims of the widow or orphans of any officer of the late army, to the 7 years half pay of such officer, shall, from and after the passing this act, be suspended for and during the term of 2 years. March 23, 1792, c. 11, § 1.



4. All non-commissioned officers, soldiers and seamen, disabled in the actual service of the U. S. during the late war, whose disability and rate of allowance have been ascertained, pursuant to the regulations prescribed by the late Congress, and have not applied to be placed on the pension-list, until after the time, limited by the act of Congress for that purpose, was expired, shall now be placed on the pension-list, and be entitled to demand and receive their respective pensions, according to the allowances ascertained as aforesaid. *ibid.* § 5.

5. No sale, transfer or mortgage of the whole or any part of the pension or arrearages of pension, payable to any non-commissioned officer, soldier or seaman, before the same shall become due, shall be valid. And every person, claiming such pension or arrears of pension, or any part thereof, under power of attorney or substitution, shall, before the same is paid, make oath or affirmation before some justice of the peace of the place where the same is payable, that such power or substitution is not given by reason of any transfer of such pension, or arrears of pension, and any person, who shall swear or affirm falsely in the premises, and be thereof convicted, shall suffer as for perjury. *ibid.* § 6.

6. The 2, 3d and 4th § of the act to provide for the settlement of the claims of widows and orphans barred by the limitations heretofore established, and to regulate the claims to Invalid pensions is repealed, and in future all such claims, shall be regulated as follows, to wit :

First : All evidence relative to invalids shall be taken upon oath or affirmation, before the judge of the district, in which such invalids reside, or before any 3 persons specially authorized by commission from the said judge.

Secondly : The evidence relative to any claimant must prove decisive disability to have been the effect of known wounds, received while in the actual line of his duty, in the service of the U. S. during the late war. That this evidence must be the affidavits of the commanding officer or surgeon of the ship, regiment, corps or company, in which such claimant served, or 2 other credible witnesses, to the same effect, setting forth the time and place of such known wound.

Thirdly : Every claimant shall be examined upon oath or affirmation, by 2 physicians or surgeons, to be authorized by commission from the said judge, who shall report, in writing, their opinion, upon oath or affirmation, of the nature of the said disability, and, in what degree it prevents the claimant from obtaining his livelihood by labour.

Fourthly : Every claimant shall produce evidence of the time of his leaving the service of the U. S. He must also produce evidence of 3 reputable freeholders of the city, town or county, in which he usually resided, for the 2 years immediately after he left the service, as aforesaid, of the existence of his disability, during that period ; and ascertaining, of their own knowledge, the mode of life, employment, labour or means of support of the claimant.

Fifthly : And the said claimant must produce the evidence of 2 credible witnesses, of the continuance of his disability, from the expiration of the said 2 years, to the time of his application.

Sixthly : Each claimant must shew a sufficient cause why he did not apply for a pension to the person or persons authorized to examine his claim on or before the 11th of Dec. 1788, the time limited for applications of this nature.

Seventhly : No evidence of any claimant shall be admitted whose claim has been examined and rejected, on or before the aforesaid 11th Dec. 1788. Feb. 23, 1793, c. 17, § 1.

7. The judge of the district shall transmit a list of such claims, accompanied by the evidence herein directed, to the Secretary for the department of War, in order that the same may be compared with the muster-rolls, and other documents in his office ; and the said Secretary shall make a statement of the cases of the said claimants to Congress, with such circumstances and remarks, as may be necessary, in order to enable them to take such order thereon, as they may judge proper. *ibid.* § 2.

8. No person not on the pension-list, before the 23 March 1792, shall be entitled to a pension, who shall not have complied with the rules and regulations herein prescribed, saving however to all persons, all and singular their rights, founded upon legal adjudications under the act, intitled " An act to provide for the settlement of the claims of Widows and Orphans, barred by the limitations heretofore established, and to regulate the claims to invalid pensions : " But it shall be the duty of the Secretary at War, in conjunction with the Attorney General, to take such measures as may be necessary to obtain an adjudication of the supreme court of the U. S. on the validity of any such rights claimed under the act aforesaid, by the determination of certain persons styling themselves commissioners. *ibid.* § 3.

9. No claim to a pension shall be allowed under this act, which shall not be presented within 2 years from the passing the same. *ibid.* § 4.

10. The Secretary of the war department, is hereby directed to place upon the list of invalid pensioners of the U. S. all persons who have been returned as such by the judges of the several districts, under the act of Congress of the 28th Feb. 1793, intitled, " An act to regulate the claims to invalid pensions, and who by legal proofs, are by him found to come clearly within the provisions of the said act, and are reported as having compleat evidence of their claims, in the report of the said Secretary upon that subject, made to Congress the 25th April, 1794 ; and all persons placed by virtue of this act on the list of invalid pensioners, shall receive such sums as the returns of the district judges have respectively specified, and be paid, in the same manner as invalid pensioners are paid, who have been heretofore placed on the list. *Provided*, That every commissioned officer, who shall, by virtue of this act, be placed on the pension list, as entitled to a sum less than a full pension, shall receive such pension, only upon compliance

with the same rule respecting a return of the commutation which he may have received, as is provided for in the case of Captain David Cook, by the act passed Dec. 16, 1791. June 7, 1794, c. 57.

11. The right any person now has, or may hereafter acquire to receive a pension, by virtue of the act passed on the 28th Feb. 1793, intituled, "An act to regulate the claims to invalid pensions," shall be considered to commence at the time of completing his testimony before the district-judge, or commissioners, pursuant to the said act: And nothing shall be allowed to any invalid of the description aforesaid, by way of arrear of pension, antecedent to the date of his completing his testimony as aforesaid; And the pensions allowed under the said act shall be continued to the respective pensioners, during the continuance of their disability. Feb. 21, 1795, c. 89, § 1.

12. No commissioned officer, who has received commutation of half-pay, shall be paid a pension, as an invalid, until he shall return his commutation into the treasury of the U. S. except where special provision has been made, in particular cases, for allowing pensions on the return only of certain portions of the commutation. *ibid.* § 2.

13. Every commissioned, non-commissioned officer, private or musician, who has been wounded or disabled, while in the line of his duty, in actual service, called out by authority of any law of the U. S. while he belonged to the militia; or any volunteer not belonging to the militia, who has been wounded or disabled, while in the line of his duty, in actual service, as aforesaid, shall be placed on the list of invalids of the U. S. at such rate of pay, and under such regulations, as shall be directed by the President of the U. S. for the time being: *Provided*, the rate of compensation for such wounds and disabilities shall never exceed for the highest disabilities, half the monthly pay received by any commissioned officer, at the time of being so wounded or disabled; and that the rate of compensation to non-commissioned officers, privates and musicians, shall never exceed 5 dollars per month; and that all inferior disabilities shall entitle the person so disabled, to receive only a sum in proportion to the highest disability: *And provided*, that these provisions shall not be construed to extend to any person wounded or disabled, before the 4th March, 1789, nor to any person wounded or disabled since that time, who has made application for a pension under any existing law of the U. S. and has been denied, or admitted on the pension list: *And provided*, that all applications herein shall be made within 1 year after the end of the present session of Congress. March 23, 1796, c. 8.

## Judiciary of the United States.

1. **T**HE supreme court of the U. S. shall consist of a chief justice and 5 associate justices, any 4 of whom shall be a quorum,



and shall hold annually at the seat of government 2 sessions, the one commencing the first Monday of Feb. and the other the first Monday of August; the associate justices shall have precedence according to the date of their commissions, or when the commissions of 2 or more of them bear date on the same day, according to their respective ages. Sep. 24, 1789, c. 20, § 1.

2. The U. S. shall be divided into 13 districts, to be limited and called as follows, to wit; 1 to consist of that part of the state of Massachusetts which lies easterly of the state of New-Hampshire, and to be called Main District; 1 to consist of the state of New-Hampshire, and to be called New-Hampshire District; 1 to consist of the remaining part of the state of Massachusetts, and to be called Massachusetts District; 1 to consist of the state of Connecticut, and to be called Connecticut District; 1 to consist of the state of New-York, and to be called New-York District; 1 to consist of the state of New-Jersey, and to be called New-Jersey District; 1 to consist of the state of Pennsylvania, and to be called Pennsylvania District; 1 to consist of the state of Delaware, and to be called Delaware District; 1 to consist of the state of Maryland, and to be called Maryland District; 1 to consist of the state of Virginia, except that part called the District of Kentucky, and to be called Virginia District; 1 to consist of the remaining part of the state of Virginia, and to be called Kentucky District; 1 to consist of the state of South-Carolina, and to be called the South-Carolina District; and 1 to consist of the state of Georgia, and to be called Georgia District. *ibid.* § 2.

3. There shall be a court called a District Court, in each of the aforementioned districts, to consist of 1 judge, who shall reside in the district for which he is appointed, and shall be called a District Judge, and shall hold annually 4 sessions, the first of which to commence as follows, to wit; in the districts of New-York and of New-Jersey on the first, in the district of Connecticut on the third, and in the district of Delaware on the fourth Tuesdays of Nov. next; in the districts of *Main*, (See art 19) and of Maryland, on the first; and in the districts of New-Hampshire, and of Virginia, on the third Tuesday of Dec. next; and the other 3 sessions progressively in the respective districts on the like Tuesdays of every third calendar month afterwards, and in the district of South-Carolina, on the third Monday in March and Sep, the first Monday in July, and the second Monday of Dec. of each and every year, commencing in Dec. next; and the district judge shall have power to hold special courts at his discretion. The stated district court shall be held at the places following, to wit, in the district of Main, at Portland and Pownalborough alternately, beginning at the first; in the district of New-Hampshire, at Exeter and Portsmouth alternately, beginning at the first; in the district of Massachusetts, at Boston and Salem alternately; in the district of Connecticut, alternately at Hartford and New-Haven, beginning at the first; in the district of New York, at New-York, in the district of New-Jersey, alternately at New-Brunswick and

Burlington, beginning at the first; in the district of Delaware, alternately at Newcastle and Dover, beginning at the first; in the district of Maryland, alternately at Baltimore and Easton, beginning at the first; in the district of Virginia, alternately at Richmond and Williamsburgh, beginning at the first; in the district of Kentucky, at Harrodsburgh; and in the district of South-Carolina, at Charleston; and the special courts shall be held at the same place in each district as the stated courts, or in districts that have 2 at either of them, in the discretion of the judge, or at such other place in the district, as the nature of the business and his discretion shall direct. And in the districts that have but 1 place for holding the district court, the records thereof shall be kept at that place; and in districts that have 2, at that place in each district which the judge shall appoint. *ibid.* § 3.

4. The before-mentioned districts, except those of Main and Kentucky, shall be divided into 3 circuits, and be called the eastern, the middle and the southern circuit. The eastern circuit shall consist of the districts of New-Hampshire, Massachusetts, Connecticut, and New-York; the middle circuit shall consist of the districts of New-Jersey, Pennsylvania, Delaware, Maryland and Virginia; and the southern circuit shall consist of the districts of South-Carolina and Georgia, and there shall be held annually in each district of said circuits, 2 courts which shall be called circuit courts, and shall consist of any 2 justices of the supreme court, and the district judge of such districts, any 2 of whom shall constitute a quorum: *Provided*, That no district judge shall give a vote in any case of appeal or error from his own decision; but may assign the reasons of such his decision. *ibid.* § 4.

5. The circuit courts shall have power to hold special sessions for the trial of criminal causes at any other time at their discretion, or at the discretion of the supreme court. *ibid.* § 5.

6. The supreme court may, by any 1 or more of its justices being present, be adjourned from day to day until a quorum be convened; and a circuit court may also be adjourned from day to day by any 1 of its judges, or if none are present, by the marshal of the district until a quorum be convened; and a district court in case of the inability of the judge to attend at the commencement of a session, may by virtue of a written order from the said judge directed to the marshal of the district, be adjourned by the said marshal to such day, antecedent to the next stated session of the said court, as in the said order shall be appointed, and in case of the death of the said judge, and his vacancy not being supplied, all process, pleadings and proceedings of what nature soever, pending before the said court, shall be continued of course until the next stated session after the appointment and acceptance of the office by his successor. *ibid.* § 6.

7. The supreme court, and the district courts shall have power to appoint clerks for their respective courts, and the clerk for each district court shall be clerk also of the circuit court in such district, and each of the said clerks shall, before he enters upon

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the execution of his office, take the following oath or affirmation, to wit; "I, A. B. being appointed clerk of                      do solemnly swear or affirm, that I will truly and faithfully enter and record all the orders, decrees, judgments and proceedings of the said court, and that I will faithfully and impartially discharge and perform all the duties of my said office, according to the best of my abilities and understanding. So help me God." Which words, so help me God, shall be omitted in all cases where an affirmation is admitted instead of an oath. And the said clerks shall also severally give bond with sufficient sureties, (to be approved of by the supreme and districts courts respectively) to the U. S. in a sum of 2000 dollars, faithfully to discharge the duties of his office, and seasonably to record the decrees, judgments and determinations of the court of which he is clerk. *ibid.* § 7.

8. The justices of the supreme court, and the district judges, before they proceed to execute the duties of their respective offices, shall take the following oath or affirmation, to wit; "I, A. B. do solemnly swear or affirm, that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent on me as                      , according to the best of my abilities and understanding, agreeably to the constitution and laws of the U. S. So help me God." *ibid.* § 8.

9. The district courts shall have, exclusively of the courts of the several states, cognizance of all crimes and offences that shall be cognizable under the authority of the U. S. committed within their respective districts, or upon the high seas; where no other punishment than whipping, not exceeding 30 stripes, a fine not exceeding 100 dollars, or a term of imprisonment not exceeding 6 months, is to be inflicted; and shall also have exclusive original cognizance of all civil causes of admiralty and maritime jurisdiction, including all seizures under laws of impost, navigation or trade of the U. S. where the seizures are made, on waters which are navigable from the sea by vessels of 10 or more tons burthen, within their respective districts as well as upon the high seas; saving to suitors, in all cases, the right of a common law remedy, where the common law is competent to give it: And shall also have exclusive original cognizance of all seizures on land, or other waters than as aforesaid made, and of all suits for penalties and forfeitures incurred, under the laws of the U. S. And shall also have cognizance, concurrent with the courts of the several states, or the circuit courts, as the case may be, of all causes where an alien sues for a tort only in violation of the law of nations or a treaty of the U. S. And shall also have cognizance, concurrent as last mentioned, of all suits at common law where the U. S. sue, and the matter in dispute amounts, exclusive of costs, to the sum or value of 100 dollars. And shall also have jurisdiction exclusively of the courts of the several states, of all suits against consuls or vice-consuls, except for offences above the description aforesaid. And the



trial of issues in fact, in the district courts, in all causes except civil causes of admiralty & maritime jurisdiction, shall be by jury. *ibid.* § 9.

10. The district court in Kentucky district shall, besides the jurisdiction aforesaid, have jurisdiction of all other causes, except of appeals and writs of error, herein after made cognizable in a circuit court, and shall proceed therein in the same manner as a circuit court, and writs of error and appeals shall lie from decisions therein to the supreme court in the same causes, as from a circuit court to the supreme court, and under the same regulations. And the district court in Main district, shall besides the jurisdiction herein before granted, have jurisdiction of all causes, except of appeals and writs of error herein after made cognizable in a circuit court, and shall proceed therein in the same manner as a circuit court: And writs of error shall lie from decisions therein to the circuit court in the district of Massachusetts in the same manner as from other district courts to their respective circuit courts. *ibid.* § 10.

11. The circuit courts shall have original cognizance, concurrent with the courts of the several states, of all suits of a civil nature at common law or in equity, where the matter in dispute exceeds, exclusive of costs, the sum or value of 500 dollars, and the U. S. are plaintiffs, or petitioners; or an alien is a party, or the suit is between a citizen of the state where the suit is brought, and a citizen of another state. And shall have exclusive cognizance of all crimes and offences cognizable under the authority of the U. S. except where this act otherwise provides, or the laws of the U. S. shall otherwise direct, and concurrent jurisdiction with the district courts of the crimes and offences cognizable therein. But no person shall be arrested in a district for trial in another, in any civil action before a circuit or district court: And no civil suit shall be brought before either of said courts against an inhabitant of the U. S. by any original process in any other district than that whereof he is an inhabitant, or in which he shall be found at the time of serving the writ, nor shall any district or circuit court have cognizance of any suit to recover the contents of any promissory note or other chose in action in favour of an assignee unless a suit might have been prosecuted in such court to recover the said contents if no assignment had been made, except in cases of foreign bills of exchange. And the circuit courts shall also have appellate jurisdiction from the district courts under the regulations and restrictions herein after provided. *ibid.* § 11.

12. If a suit be commenced in any state court against an alien, or by a citizen of the state in which the suit is brought against a citizen of another state, and the matter in dispute exceeds the aforesaid sum or value of 500 dollars, exclusive of costs, to be made to appear to the satisfaction of the court: and the defendant shall, at the time of entering his appearance in such state court, file a petition for the removal of the cause for trial into the next circuit court, to be held in the district where the suit is pending, or if in the district of Main, to the district court next to be holden

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therein, or if in Kentucky district, to the district court next to be holden therein, and offer good and sufficient surety for his entering in such court, on the first day of its session, copies of said process against him, and also for his there appearing and entering special bail in the cause, if special bail was originally requisite therein, it shall then be the duty of the state court to accept the surety, and proceed no further in the cause, and any bail that may have been originally taken shall be discharged, and the said copies being entered as aforesaid, in such court of the U. S. the cause shall there proceed in the same manner as if it had been brought there by original process. And any attachment of the goods or estate of the defendant by the original process, shall hold the goods or estate so attached, to answer the final judgment in the same manner as by the laws of such state they would have been holden to answer final judgment, had it been rendered by the court in which the suit commenced. And if in any action commenced in a state court, the title of land be concerned, and the parties are citizens of the same state, and the matter in dispute exceeds the sum or value of 500 dollars, exclusive of costs, the sum or value being made to appear to the satisfaction of the court, either party, before the trial, shall state to the court and make affidavit if they require it, that he claims and shall rely upon a right or title to the land, under a grant from a state, other than that in which the suit is pending, and produce the original grant or an exemplification of it, except where the loss of public records shall put it out of his power, and shall move that the adverse party inform the court, whether he claims a right or title to the land under a grant from the state in which the suit is pending; the said adverse shall give such information, or otherwise not to be allowed to plead such grant, or give it in evidence upon the trial, and if he informs that he does claim under such grant, the party claiming under the grant first mentioned, may then, on motion, remove the cause for trial to the next circuit court to be holden in such district, or if in the district of Main, to the court next to be holden therein; or if in Kentucky district, to the district court next to be holden therein; but if he is the defendant, shall do it under the same regulations as in the beforementioned case of the removal of a cause into such court by an alien: And neither party removing the cause, shall be allowed to plead or give evidence of any other title than that by him stated as aforesaid, as the ground of his claim. And the trial of issues in fact in the circuit courts shall, in all suits, except those of equity, and of admiralty, and maritime jurisdiction, be by jury. *ibid.* § 12.

13. The supreme court shall have exclusive jurisdiction of all controversies of a civil nature, where a state is a party, except between a state and its citizens; and except also between a state and citizens of other states, or aliens, in which latter case it shall have original but not exclusive jurisdiction. And shall have exclusively all such jurisdiction of suits or proceedings against ambassadors or other public ministers, or their domestics, or domes-

tic servants, as a court of law can have or exercise consistently with the law of nations; and original, but not exclusive jurisdiction of all suits brought by ambassadors or other public ministers, or in which a consul, or vice-consul, shall be a party. And the trial of issues in fact in the supreme court, in all actions at law against citizens of the U. S. shall be by jury. The supreme court shall also have appellate jurisdiction from the circuit courts and courts of the several states, in the cases herein after specially provided for: And shall have power to issue writs of prohibition to the district courts, when proceeding as courts of admiralty and maritime jurisdiction, and writs of *mandamus*, in cases warranted by the principle and usages of law, to any courts appointed, or persons holding office, under the authority of the U. S. *ibid.* § 13.

14. All the beforementioned courts of the U. S. shall have power to issue writs of *scire facias*, *habeas corpus*, and all other writs not specially provided for by statute, which may be necessary for the exercise of their respective jurisdictions, and agreeable to the principles and usages of law. And either of the justices of the supreme court, as well as judges of the district courts, shall have power to grant writs of *habeas corpus* for the purpose of an enquiry into the cause of commitment. *Provided*, That writs of *habeas corpus*, shall in no case extend to prisoners in gaol, unless where they are in custody, under or by colour of the authority of the U. S. or are committed for trial before some court of the same, or are necessary to be brought into court to testify. *ibid.* § 14.

15. All the said courts of the U. S. shall have power in the trial of actions at law, on motion and due notice thereof being given, to require the parties to produce books or writings in their possession or power, which contain evidence pertinent to the issue, in cases and under circumstances where they might be compelled to produce the same by the ordinary rules of proceeding in chancery; and if a plaintiff shall fail to comply with such order, to produce books or writings, it shall be lawful for the courts respectively, on motion, to give the like judgment for the defendant as in cases of non-suit; and if a defendant shall fail to comply with such order, to produce books or writings, it shall be lawful for the courts respectively on motion as aforesaid, to give judgment against him or her by default. *ibid.* § 15.

16. Suits in equity shall not be sustained in either of the courts of the U. S. in any case where plain, adequate and complete remedy may be had at law. *ibid.* § 16.

17. All the said courts of the U. S. shall have power to grant new trials, in cases where there has been a trial by jury for reasons for which new trials have usually been granted in the courts of law; and shall have power to impose and administer all necessary oaths or affirmations, and to punish by fine or imprisonment, at the discretion of said courts, all contempts of authority in any cause or hearing before the same; and to make and establish all necessary rules for the orderly conducting business in the said

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courts, provided such rules are not repugnant to the laws of the U. S. *ibid.* § 17.

18. When in a circuit court, judgment upon a verdict in a civil action shall be entered, execution may on motion of either party, at the discretion of the court, and on such conditions for the security of the adverse party as they may judge proper, be stayed 42 days from the time of entering judgment, to give time to file in the clerk's office of said court, a petition for a new trial. And if such petition be there filed within said term of 42 days, with a certificate thereon from either of the judges of such court, that he allows the same to be filed, which certificate he may make or refuse at his discretion, execution shall of course be further stayed to the next session of said court. And if a new trial be granted, the former judgment shall be thereby rendered void. *ibid.* § 18.

19. It shall be the duty of circuit courts, in causes in equity and of admiralty and maritime jurisdiction, to cause the facts on which they found their sentence or decree, fully to appear upon the record either from the pleadings and decree itself, or a state of the case agreed by the parties, or their council, or if they disagree, by a stating of the case by the court. *ibid.* § 19.

20. Where in a circuit court, a plaintiff in an action, originally brought there, or a petitioner in equity, other than the U. S. recovers less than the sum or value of 500 dollars, or a libellant, upon his own appeal, less than the sum or value of 300 dollars, he shall not be allowed, but at the discretion of the court, may be adjudged to pay costs. *ibid.* § 20.

21. From final decrees in a district court in causes of admiralty and maritime jurisdiction, where the matter in dispute exceeds the sum or value of 300 dollars, exclusive of costs, an appeal shall be allowed to the next circuit court, to be held in such district. *Provided, nevertheless,* That all such appeals from final decrees as aforesaid, from the district court of Maine, shall be made to the circuit court next to be holden after each appeal in the district of Massachusetts. *ibid.* § 21.

22. Final decrees and judgments in civil actions in a district court, where the matter in dispute exceeds the sum or value of 50 dollars, exclusive of costs, may be re-examined, and reversed or affirmed in a circuit court, holden in the same district, upon a writ of error, whereto shall be annexed and returned therewith at the day and place therein mentioned, an authenticated transcript of the record, and assignment of errors, and prayer for reversal, with a citation to the adverse party, signed by the judge of such district court, or a justice of the supreme court, the adverse party having at least 20 days notice. And upon a like process, may final judgments and decrees in civil actions, and suits in equity in a circuit court, brought there by original process, or removed there from courts of the several states, or removed there by appeal from a district court where the matter in dispute exceeds the sum or value of 2000 dollars, exclusive of costs, be re-examined and reversed or affirmed in the supreme court, the citation being in such case

signed by a judge of such circuit court, or justice of the supreme court, and the adverse party having at least 30 days notice. But there shall be no reversal in either court on such writ of error for error in ruling any plea in abatement, other than a plea to the jurisdiction of the court, or such plea to a petition or bill in equity, as is in the nature of a demurrer, or for any error in fact. And writs of error shall not be brought but within 5 years after rendering or passing the judgment or decree complained of, or in case the person entitled to such writ of error be an infant, *feme covert*, *non compos mentis*, or imprisoned, then within 5 years as aforesaid, exclusive of the time of such disability. And every justice or judge signing a citation on any writ of error as aforesaid, shall take good and sufficient security, that the plaintiff in error shall prosecute his writ to effect, and answer all damages and costs if he fail to make his plea good. *ibid.* § 22.

23. A writ of error as aforesaid shall be a superseas and stay execution in cases only where the writ of error is served, by a copy thereof being lodged for the adverse party in the clerk's office where the record remains, within 10 days, Sundays exclusive, after rendering the judgment or passing the decree complained of. Until the expiration of which term of 10 days, executions shall not issue in any case where a writ of error may be a superseas; and whereupon such writ of error the supreme or a circuit court shall affirm a judgment or decree, they shall adjudge or decree to the respondent in error just damages for his delay, and single or double costs at their discretion. *ibid.* § 23.

24. When a judgment or decree shall be reversed in a circuit court, such court shall proceed to render such judgment or pass such decree as the district court should have rendered or passed; and the supreme court shall do the same on reversals therein, except where the reversal is in favour of the plaintiff, or petitioner in the original suit, and the damages to be assessed, or matter to be decreed, are uncertain, in which case they shall remand the cause for a final decision. And the supreme court shall not issue execution in causes that are removed before them by writs of error, but shall send a special mandate to the circuit court to award execution thereupon. *ibid.* § 24.

25. A final judgment or decree in any suit, in the highest court of law or equity of a state in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under the U. S. and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under any state, on the ground of their being repugnant to the constitution, treaties or laws of the U. S. and the decision is in favour of such their validity, or where is drawn in question the construction of any clause of the Constitution, or of a treaty, or statute of, or commission held under the U. S. and the decision is against the title, right, privilege or exemption specially set up or claimed by either party, under such clause of the said constitution, treaty, statute or commissi-

on, may be re examined and reversed or affirmed in the supreme court of the U. S. upon a writ of error, the citation being signed by the chief justice, or judge or chancellor of the court rendering or passing the judgment or decree complained of, or by a justice of the supreme court of the U. S. in the same manner and under the same regulations, and the writ shall have the same effect, as if the judgment or decree complained of had been rendered or passed in a circuit court, and the proceeding upon the reversal shall also be the same, except that the supreme court, instead of remanding the cause for a final decision as before provided, may at their discretion, if the cause shall have been once remanded before, proceed to a final decision of the same, and award execution. But no other error shall be assigned or regarded as a ground of reversal in any such case as aforesaid, than such as appears on the face of the record, and immediately respects the beforementioned questions of validity or construction of the said constitution, treaties, statutes, commissions, or authorities in dispute. *ibid.* § 25.

26. In all causes brought before either of the courts of the U. S. to recover the forfeiture annexed to any articles of agreement, covenant, bond or other speciality, where the forfeiture, breach or non-performance shall appear, by the default or confession of the defendant, or upon demurrer, the court before whom the action is, shall render judgment therein for the plaintiff to recover so much as is due according to equity. And when the sum for which judgment should be rendered is uncertain, the same shall, if either of the parties request it, be assessed by a jury. *ibid.* § 26.

27. A marshal shall be appointed in and for each district for the term of 4 years, but shall be removeable from office at pleasure; whose duty it shall be to attend the district and circuit courts when sitting therein, and also the supreme court in the district in which that court shall sit. And to execute throughout the district, all lawful precepts directed to him, and issued under the authority of the U. S. and he shall have power to command all necessary assistance in the execution of his duty, and to appoint as there shall be occasion 1 or more deputies, who shall be removeable from office by the judge of the district court, or the circuit court sitting within the district, at the pleasure of either, and before he enters on the duties of his office, he shall become bound for the faithful performance of the same, by himself and by his deputies before the judge of the district court to the U. S. jointly and severally, with 2 good and sufficient sureties, inhabitants and freeholders of such district, to be approved by the district judge, in the sum of 20,000 dollars, and shall take before said judge, as shall also his deputies, before they enter on the duties of their appointment, the following oath of office: " I, A. B. do solemnly swear or affirm, that I will faithfully execute all lawful precepts directed to the marshal of the district of \_\_\_\_\_ under the authority of the United States, and true returns make, and in all things well and truly, and without malice or partiality, perform the duties of the office of marshal (or marshal's deputy, as the case may be) of the district of \_\_\_\_\_



during my continuance in said office, and take only my lawful fees. So help me God." *ibid.* § 27.

28. In all causes wherein the marshal or his deputy shall be a party, the writs and precepts therein shall be directed to such disinterested person as the court, or any justice or judge thereof may appoint, and the person so appointed, is hereby authorized to execute and return the same. And in case of the death of any marshal, his deputy or deputies shall continue in office, unless otherwise specially removed; and shall execute the same in the name of the deceased, until another marshal shall be appointed and sworn. And the defaults or misfeasances in office of such deputy or deputies in the mean time, as well as before, shall be adjudged a breach of the condition of the bond given, as before directed, by the marshal who appointed them; and the executor or administrator of the deceased marshal shall have like remedy for the defaults and misfeasances in office of such deputy or deputies during such interval, as they would be entitled to if the marshal had continued in life and in the exercise of his said office, until his successor was appointed, and sworn or affirmed: And every marshal or his deputy when removed from office, or when the term for which the marshal is appointed shall expire, shall have power notwithstanding to execute all such precepts as may be in their hands respectively at the time of such removal or expiration of office; and the marshal shall be held answerable for the delivery to his successor of all prisoners which may be in his custody at the time of his removal, or when the term for which he is appointed shall expire, and for that purpose may retain such prisoners in his custody until his successor shall be appointed and qualified as the law directs. *ibid.* § 28.

29. In cases punishable with death, the trial shall be had in the county where the offence was committed, or where that cannot be done without great inconvenience, 12 petit jurors at least shall be summoned from thence. And jurors in all cases to serve in the courts of the U. S. shall be designated by lot or otherwise in each state respectively according to the mode of forming juries therein now practised, so far as the laws of the same shall render such designation practicable by the courts or marshals of the U. S. and the jurors shall have the same qualifications as are requisite for jurors by the laws of the state of which they are citizens, to serve in the highest courts of law of such state, and shall be returned as there shall be occasion for them, from such parts of the district from time to time as the court shall direct, so as shall be most favourable to an impartial trial, and so as not to incur an unnecessary expense, or unduly to burthen the citizens of any part of the district with such services. And writs of *venire facias* when directed by the court shall issue from the clerk's office, and shall be served and returned by the marshal in his proper person or by his deputy, or in case the marshal or his deputy is not an indifferent person, or is interested in the event of the cause, by such fit person as the court shall specially appoint for that purpose, to whom they shall

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administer an oath or affirmation that he will truly and impartially serve and return such writ. And when from challenges or otherwise there shall not be a jury to determine any civil or criminal cause, the marshal or his deputy shall, by order of the court where such defect of jurors shall happen, return jurymen *de talibus circumstantibus* sufficient to complete the pannel; and when the marshal or his deputy are disqualified as aforesaid, jurors may be returned by such disinterested person as the court shall appoint. *ibid.* § 29.

30. The mode of proof by oral testimony and examination of witnesses in open court shall be the same in all the courts of the U. S. as well in the trial of causes in equity and of admiralty and maritime jurisdiction, as of actions at common law. And when the testimony of any person shall be necessary in any civil cause depending in any district in any court of the U. S. who shall live at a greater distance from the place of trial than 100 miles, or is bound on a voyage to sea, or is about to go out of the U. S. or out of such district, and to a greater distance from the place of trial than as aforesaid, before the time of trial, or is ancient or very infirm, the deposition of such person may be taken *de bene esse* before any justice or judge of any of the courts of the U. S. or before any chancellor, justice or judge of a supreme or superior court, mayor or chief magistrate of a city, or judge of a county court or court of common pleas of any of the U. S. not being of counsel or attorney to either of the parties, or interested in the event of the cause, provided that a notification from the magistrate before whom the deposition is to be taken to the adverse party, to be present at the taking of the same, and to put interrogatories, if he think fit, be first made out and served on the adverse party or his attorney as either may be nearest, if either is within 100 miles of the place of such caption, allowing time for their attendance after notified, not less than at the rate of 1 day, Sundays exclusive, for every 20 miles travel. And in causes of admiralty and maritime jurisdiction, or other cases of seizure when a libel shall be filed, in which an adverse party is not named, and depositions of persons circumstanced as aforesaid shall be taken before a claim be put in, the like notification as aforesaid shall be given to the person having the agency or possession of the property libelled at the time of the capture or seizure of the same, if known to the libellant, And every person deposing as aforesaid shall be carefully examined and cautioned, and sworn or affirmed to testify the whole truth, and shall subscribe the testimony by him or her given after the same shall be reduced to writing, which shall be done only by the magistrate taking the deposition, or by the deponent in his presence. And the depositions so taken shall be retained by such magistrate until he deliver the same with his own hand into the court for which they are taken, or shall, together with a certificate of the reasons as aforesaid of their being taken, and of the notice if any given to the adverse party, be by him the said magistrate sealed up and directed to such court, and remain under his

seal until opened in court. And any person may be compelled to appear and depose as aforesaid in the same manner as to appear and testify in court. And in the trial of any cause of admiralty or maritime jurisdiction in a district court, the decree in which may be appealed from, if either party shall suggest to and satisfy the court that probably it will not be in his power to produce the witnesses there testifying before the circuit court should an appeal be had, and shall move that their testimony be taken down in writing, it shall be so done by the clerk of the court. And if an appeal be had, such testimony may be used on the trial of the same, if it shall appear to the satisfaction of the court which shall try the appeal, that the witnesses are then dead or gone out of the U. S. or to a greater distance than as aforesaid from the place where the court is sitting, or that by reason of age, sickness, bodily infirmity or imprisonment, they are unable to travel and appear at court, but not otherwise. And unless the same shall be made to appear on the trial of any cause, with respect to witnesses whose depositions may have been taken therein, such depositions shall not be admitted or used in the cause. *Provided*, That nothing herein shall be construed to prevent any court of the U. S. from granting a *dedimus potestatem* to take depositions according to common usage, when it may be necessary to prevent a failure or delay of justice : which power they shall severally possess, nor to extend to depositions taken in *perpetuam rei memoriam*, which if they relate to matters that may be cognizable in any court of the U. S. a circuit court on application thereto made, as a court of equity may, according to the usages in chancery direct to be taken. *Ibid.* § 30.

31. Where any suit shall be depending in any court of the U. S. and either of the parties shall die before final judgment, the executor or administrator of such deceased party who was plaintiff, petitioner, or defendant, in case the cause of action doth by law survive, shall have full power to prosecute or defend any such suit or action until final judgment ; and the defendant or defendants are hereby obliged to answer thereto accordingly ; and the court before whom such cause may be depending, is hereby empowered and directed to hear and determine the same, and to render judgment for or against the executor or administrator, as the case may require. And if such executor or administrator having been duly served with a *scire facias* from the office of the clerk of the court where such suit is depending, 20 days beforehand, shall neglect or refuse to become a party to the suit, the court may render judgment against the estate of the deceased party, in the same manner as if the executor or administrator had voluntarily made himself a party to the suit : And the executor or administrator who shall become a party as aforesaid, shall, upon motion to the court where the suit is depending, be entitled to a continuance of the same until the next term of the said court. And if there be 2 or more plaintiffs or defendants, and 1 or more of them shall die, if the cause of action shall survive to the surviving plain-

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tiff or plaintiffs, or against the surviving defendant or defendants, the writ or action shall not be thereby abated ; but such death being suggested upon the record, the action shall proceed at the suit of the surviving plaintiff or plaintiffs against the surviving defendant or defendants. *ibid.* § 31.

32. No summons, writ, declaration, return, process, judgment, or other proceedings in civil causes in any of the courts of the U. S. shall be abated, arrested, quashed or reversed, for any defect or want of form, but the said courts respectively shall proceed and give judgment according as the right of the cause and matter in law shall appear unto them, without regarding any imperfections, defects, or want of form in such writ, declaration or other pleading, return, process, judgment or course of proceeding whatsoever, except those only in cases of demurrer, which the party demurring shall specially sit down and express together with his demurrer as the cause thereof. And the said courts respectively shall & may, by virtue of this act, from time to time, amend all and every such imperfections, defects and wants of form, other than those only which the party demurring shall express as aforesaid, and may at any time permit either of the parties to amend any defect in the process or pleadings, upon such conditions as the said courts respectively shall in their discretion, and by their rules prescribe. *ibid.* § 32.

33. For any crime or offence against the U. S. the offender may, by any justice or judge of the U. S. or by any justice of the peace, or other magistrate of any of the U. S. where he may be found agreeably to the usual mode of process against offenders in such state, and at the expence of the U. S. be arrested, and imprisoned or bailed, as the case may be, for trial before such court of the U. S. as by this act has cognizance of the offence : And copies of the process shall be returned as speedily as may be into the clerk's office of such court, together with the recognizances of the witnesses for their appearance to testify in the case ; which recognizance the magistrate before whom the examination shall be, may require on the pain of imprisonment. And if such commitment of the offender, or the witnesses shall be in a district other than that in which the offence is to be tried, it shall be the duty of the judge of that district where the delinquent is imprisoned, seasonably to issue, and of the marshal of the same district to execute, a warrant for the removal of the offender, and the witnesses or either of them, as the case may be, to the district in which the trial is to be had. And upon all arrests in criminal cases, bail shall be admitted, except where the punishment may be death, in which cases it shall not be admitted but by the supreme or a circuit court, or by a justice of the supreme court, or a judge of a district court, who shall exercise their discretion therein, regarding the nature and circumstances of the offence, and of the evidence, and the usages of law. And if a person committed by a justice of the supreme or a judge of a district court for an offence not punishable with death, shall afterwards procure bail, and there be no

judge of the U. S. in the district to take the same, it may be taken by any judge of the supreme, or superior court of law of such state. *ibid.* § 33.

34. The laws of the several states, except where the constitution, treaties or statutes of the U. S. shall otherwise require or provide, shall be regarded as rules of decision in trials at common law in the courts of the U. S. in cases where they apply. *ibid.* § 34.

35. In all the courts of the U. S. the parties may plead and manage their own causes personally or by the assistance of such counsel or attorneys at law as by the rules of the said courts respectively shall be permitted to manage and conduct causes therein. And there shall be appointed in each district a meet person learned in the law to act as attorney for the U. S. in such district, who shall be sworn or affirmed to the faithful execution of his office, whose duty it shall be to prosecute in such district all delinquents for crimes and offences, cognizable under the authority of the U. S. and all civil actions in which the U. S. shall be concerned, except before the supreme court in the district in which that court shall be holden. And he shall receive as a compensation for his services such fees as shall be taxed therefor in the respective courts before which the suits or prosecutions shall be. And there shall also be appointed a meet person learned in the law, to act as attorney-general for the U. S. who shall be sworn or affirmed, to a faithful execution of his office; whose duty it shall be to prosecute and conduct all suits in the supreme court in which the U. S. shall be concerned, and to give his advice and opinion upon questions of law when required by the President of the U. S. or when requested by the heads of any of the departments, touching any matters that may concern their departments, and shall receive such compensation for his services as shall by law be provided. *ibid.* § 35.

36. The act, intituled, "An Act to establish the judicial courts of the U. S." shall have the like force and effect within the state of North-Carolina, as elsewhere within the U. S. June 4. 1790. c. 17, § 1.

37. The said state shall be 1 district, to be called North-Carolina district; & there shall be a district court therein, to consist of 1 justice who shall reside in the district, & be called a district judge, and shall hold annually 4 sessions; the first to commence on the first Monday in July next, and the other 3 sessions progressively on the like Monday of every third calendar month afterwards. *ibid.* § 2.

38. The said district shall be annexed to the southern circuit: And there shall be held annually in the said district 2 circuit courts. *ibid.* § 3.

39. There shall be allowed to the judge of the said district, the yearly compensation of 1500 dollars, to commence from his appointment, and to be paid at the treasury of the U. S. in quarterly payments. *ibid.* § 4.

40. The act, intituled, "An act to establish the judicial courts

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of the U. S." shall have the like force and effect within the state of Rhode-Island and Providence Plantations, as elsewhere within the U. S. June 23. 1790, c. 21, § 1.

41. The said state shall be 1 district, to be called Rhode-Island district; and there shall be a district court therein, to consist of 1 judge, who shall reside in the district, and be called a district judge, and shall hold annually 4 sessions; the stated district court shall be held alternately at the towns of Newport and Providence, beginning at the first. *ibid.* § 2.

42. The said district is hereby annexed to the eastern circuit: And there shall be held annually in the said district 2 circuit courts. *ibid.* § 3.

43. There shall be allowed to the judge of the said district, the yearly compensation of 800 dollars, to be paid at the treasury of the U. S. in quarterly payments. *ibid.* § 3.

44. So much of the act, entitled, "An act to establish the judicial courts of the U. S." as directs that the district court for the district of Pennsylvania shall be held at Yorktown in the said state, is repealed; and in future the district court for Pennsylvania shall be held in the city of Philadelphia. *ibid.* § 2.

45. The state of Vermont shall be 1 district; to be denominated Vermont-District; and there shall be a district court therein, to consist of 1 judge, who shall reside within the said district, and be called a district judge, and shall hold annually 4 sessions; the first to commence on the 1st Monday in May next, (See art. 85) and the 3 other sessions progressively on the like Monday of every 3rd calendar month afterwards. The said district court shall be held alternately at the towns of Rutland and Windsor, beginning at the first. March 2. 1791, c. 12, § 2.

46. The said district is annexed to the eastern circuit. *ibid.* § 3.

47. There shall be allowed to the judge of the said district court the yearly compensation of 800 dollars, to commence from the time of his appointment, and to be paid quarter-yearly at the treasury of the U. S. *ibid.* § 4.

48. At each session of the supreme court of the U. S. or as soon after as may be, the judges of the supreme court attending at such session shall in writing subscribed with their names (which writing shall be lodged with the clerk of the supreme court and safely kept in his office) assign to the said judges respectively the circuits which they are to attend at the ensuing sessions of the circuit courts; which assignment shall be made in such manner that no judge, unless by his own consent shall have assigned to him any circuit which he hath already attended until the same hath been afterwards attended by every other of the said judges. *Provided*, That if the public service or the convenience of the judges shall at any time, in their opinion, require a different arrangement, the same may take place with the consent of any 4 of the judges of the supreme court. *ibid.* § 3.

49. The district court for the district of Maine, which, by the act, intituled "An act to establish the judicial courts of the U. S."



is holden on the 1st Tuesday of June, annually, at Portland, shall, after the passing of this act, be holden on the 3d Tuesday of June, annually. *ibid.* § 4.

50. All writs and processes issuing from the supreme or a circuit court, shall bear test of the chief justice of the supreme court (or if that office shall be vacant) of the associate justice next in precedence; & all writs & processes issuing from a district court, shall bear test of the judge of such court, (or if that office shall be vacant,) of the clerk thereof, which said writs and processes shall be under the seal of the court from whence they issue, and signed by the clerk thereof. The seals shall be provided at the expence of the U. S. May 8. 1792, c. 36, § 1.

51. The form of writs, executions and other process, except their stile and the forms & modes of proceeding in suits in those of common law shall be the same as are now used in the said courts respectively in pursuance of the act, intituled, "An act, to regulate processes in the courts of the U. S." in those of equity and in those of admiralty and maritime jurisdiction, according to the principles, rules and usages which belong to courts of equity and to courts of admiralty, respectively, as contradistinguished from courts of common law; except so far as may have been provided for by the act to establish the judicial courts of the U. S. subject however to such alterations and additions as the said courts respectively shall in their discretion deem expedient, or to such regulations, as the supreme court of the U. S. shall think proper from time to time by rule to prescribe to any circuit or district court concerning the same: *Provided*, That on judgments in any of the cases aforesaid, where different kinds of executions are issuable in succession, a *capias ad satisfaciendum* being one, the plaintiff shall have his election to take out a *capias ad satisfaciendum* in the first instance. *ibid.* § 2.

52. The marshal shall have the custody of all vessels and goods seized by any officer of the revenue, and shall be allowed such compensation therefor as the court may judge reasonable. And there shall be paid to the marshal the amount of the expence for fuel, candles, and other reasonable contingencies that may accrue in holding the courts within his district, and providing the books necessary to record the proceedings thereof: and such amount, as also the compensations aforesaid to the grand and petit jurors: To the witnesses summoned on the part of the U. S. to the clerk of the supreme court for his attendance; to the clerks of the district and circuit courts for their travelling and attendance; to the attorney of the district for travelling to court: to the marshal for his attendance at court; for summoning grand and petit jurors and witnesses in behalf of any prisoner to be tried for a capital offence; for the maintenance of prisoners confined in gaol for any criminal offence, and for the commitment or discharge of such prisoner; and also the legal fees of the clerk, attorney and marshal, in criminal prosecutions, shall be included in the account of the marshal; and the same having been examined and certified

by the court or one of the judges of it in which the service shall have been rendered, shall be passed in the usual manner at and the amount thereof paid out of the treasury of the U. S. to the marshal, and by him shall be paid over to the persons entitled to the same, and the marshal shall be allowed two and an half per cent on the amount by him so paid over, to be charged in his future account. *ibid.* § 4.

53. In every prosecution for any fine or forfeiture incurred under any statutes of the U. S. if judgment is rendered against the defendant, he shall be subject to the payment of costs: and on every conviction for any other offence not capital, the court may in their discretion award that the defendant shall pay the costs of prosecution: and if any informer or plaintiff on a penal statute, to whose benefit the penalty or any part thereof if recovered, is directed by law to accrue, shall discontinue his suit or prosecution, or shall be nonsuit in the same, or if upon trial a verdict shall pass for the defendant, the court shall award to the defendant his costs, unless such informer or plaintiff be an officer of the U. S. specially authorized to commence such prosecution, and the court before whom the action or information shall be tried, shall at the trial in open court, certify upon record, that there was reasonable cause for commencing the same, in which case no costs shall be adjudged to the defendant. *ibid.* § 5.

54. The fees and compensations to the several officers and persons herein before mentioned, shall be recovered in like manner as the fees of the officers of the states respectively for like services are recovered. *ibid.* § 6.

55. If any officer herein before mentioned, or his deputy, shall by reason or colour of his office, wilfully and corruptly demand and receive any greater fees than those allowed by this act, he shall on conviction thereof in any court of the U. S. forfeit and pay a fine not exceeding 500 dollars, or be imprisoned not exceeding 6 months, at the discretion of the court before whom the conviction shall be. *ibid.* § 7.

56. The act passed at the last session of Congress, intituled, "An act to continue in force for a limited time, an act passed at the 1st session of Congress, intituled, "An act to regulate processes in the courts of the U. S." and also another act passed at the last session of Congress, intituled, "An act providing compensations for the officers of the judicial courts of the U. S. and for jurors and witnesses, and for other purposes," are hereby repealed. *ibid.* § 8.

57. It shall be the duty of the clerk of the Supreme Court of the U. S. forthwith to transmit to the clerks of the several circuit courts, the form of a writ of error, to be approved by any 2 of the Judges of the Supreme Court, and it shall be lawful for the clerks of the said circuit courts to issue writs of error agreeably to such forms, as nearly as the case may admit, under the seal of the said circuit courts, returnable to the Supreme Court, in the same manner as the clerk of the Supreme Court may issue such

writs, in pursuance of the act, intituled, "An act to establish the judicial courts of the U. S." *ibid.* § 9.

58. It shall and may be lawful for the clerks of the district and circuit courts, in the absence, or in case of the disability of the judges, to take recognizances of special bail, *de bene esse*, in any action depending in either of the said courts, and also the affidavits of all surveyors relative to their reports, and to administer oaths to all persons identifying papers found on board of vessels or elsewhere, to be used on trials in admiralty causes. *ibid.* § 10.

59. In all suits and actions in any district court of the U. S. in which it shall appear that the judge of such court is, any ways concerned in interest, or has been of counsel for either party, it shall be the duty of such judge on application of either party, to cause the fact to be entered on the minutes of the court, and also to order an authenticated copy thereof, with all the proceedings in such suit or action, to be forthwith certified to the next circuit court of the district, which circuit court shall, thereupon, take cognizance thereof, in the like manner, as if it had been originally commenced in that court, and shall proceed to hear and determine the same accordingly. *ibid.* § 11.

60. All the records and proceedings of the court of appeals heretofore appointed, previous to the adoption of the present constitution, shall be deposited in the office of the clerk of the supreme court of the U. S. who shall give copies of all such records and proceedings to any person requiring and paying for the same, in like manner, as copies of the records and other proceedings of the said court are by law directed to be given; which copies shall have like faith and credit, as all other proceedings of the said court. *ibid.* § 12.

61. The attendance of only 1 of the justices of the supreme court, at the several circuit courts of the U. S. to be hereafter held, shall be sufficient, *Provided*, That it shall be lawful for the supreme court, in cases where special circumstances shall, in their judgment, render the same necessary, to assign 2 of the said justices to attend the circuit court or courts, and it shall be the duty of the justices so assigned, to attend accordingly. *And* when only 1 judge of the supreme court shall attend any circuit court, and the district judge shall be absent, or shall have been of counsel, or be concerned in interest in any cause, then pending, such circuit court may consist of the said judge of the supreme court alone. March 2, 1793, c. 22, § 1.

62. If at any time only 1 judge of the supreme court, and the judge of the district shall sit in a circuit court, and upon a final hearing of a cause, or of a plea to the jurisdiction of the court, they shall be divided in opinion it shall be continued to the succeeding court; and if upon the second hearing when a different judge of the supreme court shall be present, a like division shall take place, the district judge adhering to his former opinion, judgement shall be rendered in conformity to the opinion of the presiding judge. *ibid.* § 65.



63. The supreme court, or when the supreme court shall not be sitting, any 1 of the justices thereof, together with the judge of the district within which a special session, as hereafter authorized, shall be holden, may direct special sessions of the circuit courts to be holden for the trial of criminal causes, at any convenient place within the district, nearer to the place where the offences may be said to be committed, than the place or places, appointed by law for the ordinary sessions: The clerk of such circuit court shall, at least 30 days before the commencement of such special session, cause the time and place for holding the same, to be notified for at least 3 weeks successively, in 1 or more of the news papers published nearest to the place where the session is to be holden: All process, writs and recognizances of every kind, whether respecting juries, witnesses, bail or otherwise, which relate to the cases to be tried at the said special sessions, shall be considered as belonging to such sessions, in the same manner as if they had been issued or taken in reference thereto: Any special session may be adjourned to any time or times previous to the next stated meeting of the circuit court: All business depending for trial at any special court, shall at the close thereof be considered as of course removed to the next stated term of the circuit court: And the district courts of Maine and Kentucky, shall have like power to hold special sessions for the trial of criminal causes, as hath been heretofore given, or is hereby given to the circuit courts, subject to the like regulations and restrictions. *ibid.* § 3.

64. Bail for appearance in any court of the U. S. in any criminal cause in which bail is by law allowed, may be taken by any judge of the U. S. any chancellor, judge of a supreme or superior court, or chief or first judge of a court of common pleas of any state, or mayor of a city in either of them, and by any person having authority from a circuit court, or the district courts of Maine or Kentucky to take bail; which authority, revocable at the discretion of such court, any circuit court or either of the district courts of Maine or Kentucky, may give to 1 or more discreet persons, learned in the law, in any district for which such court is holden, where, from the extent of the district, and remoteness of its parts from the usual residence of any of the before-named officers, such provision shall, in the opinion of the court, be necessary. *Provided*, That nothing herein shall be construed to extend to taking bail in any case where the punishment for the offence may be death; nor to abridge any power heretofore given by the laws of the U. S. to any description of persons to take bail. *ibid.* § 4.

65. Writs of ne exeat and of injunction may be granted by any judge of the supreme court in cases where they might be granted by the supreme or a circuit court; but no writ of ne exeat shall be granted unless a suit in equity be commenced, and satisfactory proof shall be made to the court or judge granting the same, that the defendant designs quickly to depart from the U. S. nor shall a writ of injunction be granted to stay proceedings in any

court of a state ; nor shall such writ be granted in any case without reasonable previous notice to the adverse party, or his attorney, of the time and place of moving for the same. *ibid.* § 5.

66. Subpœnas for witnesses who may be required to attend a court of the U. S. in any district thereof, may run into any other district : *Provided*, That in civil causes, the witnesses living out of the district in which the courts is holded, do not live at a greater distance than 100 miles from the place of holding the same. *ibid.* § 6.

67. It shall be lawful for the several courts of the U. S. from time to time, as occasion may require, to make rules and orders for their respective courts, directing the returning of writs and processs, the filing of declarations and other pleadings, the taking of rules, the entering and making up judgments by default and other matters in the vacation and otherwise in a manner not repugnant to the laws of the U. S. to regulate the practice of the said courts respectively, as shall be fit and necessary for the advancement of justice and especially to that end to prevent delays in proceedings. *ibid.* § 7.

68. Where it is now required by the laws of any state, that goods taken in execution on a writ of fieri facias, shall be appraised, previous to the sale thereof, it shall be lawful for the appraisers appointed under the authority of the state, to appraise goods taken in execution, on a fieri facias issued out of any court of the U. S. in the same manner as if such writ had issued out of a court held under the authority of the state ; and it shall be the duty of the marshal, in whose custody such goods may be, to summon the appraisers, in like manner, as the sheriff is by the laws of the state required to summon them : and the appraisers shall be entitled to the like fees, as in cases of appraisements under the laws of the state : and if the appraisers, being duly summoned, shall fail to attend and perform the duties required of them, the marshal may proceed to sell such goods without an appraisement. *ibid.* § 8.

69. A circuit court in any district, when it shall happen that no justice of the supreme court attends within 4 days after the time appointed by law for the commencement of the session, may be adjourned to the next stated term by the judge of the district, or in case of his absence also, by the marshal of the district. May 19, 1794, c. 32

70. The district judges of the U. S. are authorized to appoint a commissioner or commissioners, before whom, appraisers of ships or vessels, or goods, wares and merchandize, seized for breaches of any law of the U. S. may be sworn or affirmed ; and such qualifications made before such commissioner or commissioners, shall be, to all intents and purposes, as effectual, as if the same were taken before the said judges in open court. June 9, 1794, c. 64. § 1.

71. The stated terms of the district-courts of Massachusetts, Pennsylvania, and Georgia, shall be changed, and in future, the said courts in Massachusetts shall be held on the 3rd Tuesday in

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March, the 4th Tuesday in June, the 2nd Tuesday in Sep. and the 1st Tuesday in Dec. in Pennsylvania, on the 3d Mondays in February, May, August and Nov. and in Georgia, at the times and places following; in the city of Savannah, on the 2nd Tuesdays in Feb. May and August, and in Augusta, on the 2nd Tuesday in Nov. *ibid.* § 2.

72. So much of the act to establish the judicial courts of the U. S. as is, or may be construed to require the attendance of the marshals of all the districts, at the supreme court, shall be repealed; and the said court shall be attended, during its session, by the marshal of the district only, in which the court shall sit, unless the attendance of the marshals of other districts shall be required by special order of the said court. *ibid.* § 7.

73. From and after the last day of Sep. next, the district court for the state of Kentucky, shall be held in the town of Frankfort. *ibid.* § 8.

74. By the 22 § of the act intitled "An act to establish the judicial courts of the U. S." it is provided, that "every justice or judge signing a citation on any writ of error, shall take good and sufficient security, that the plaintiff in error shall prosecute his writ to effect, and answer all damages and costs, if he fail to make his plea good." And as doubts have arisen as to the extent of the security to be required in certain cases: therefore the security to be required and taken on the signing of a citation on any writ of error, which shall not be a supersedeas and stay execution, shall be only to such an amount, as in the opinion of the justice or judge taking the same, shall be sufficient to answer all such costs, as, upon an affirmance of the judgment or decree, may be adjudged or decreed to the respondent in error. Dec. 12, 1794, c. 68.

75. The district court for the district of Rhode Island, instead of the several days heretofore prescribed, shall be held annually, on the 1st Tuesday of August, the 3d Tuesday of Nov. the 1st Tuesday of Feb. and the 2nd Tuesday of May. *ibid.* § 3.

76. The state of Tennessee shall be 1 district, to be denominated Tennessee district, and there shall be a district court therein, to consist of 1 judge, who shall reside in the said district, and be called the district judge, and annually hold 4 sessions; the 1st to commence on the 1st Monday in April next, and the 3 other sessions progressively, on the like Mondays of every 3 calendar months afterwards. The said district-courts shall be held alternately at Knoxville and Nashville, beginning at Nashville. And the said judge, shall, in all things, have, and exercise the same jurisdiction and powers, which by law, are given to the judge of the district of Kentucky. Jan. 31, 1797, c. 56. § 2.

77. There shall be allowed to the judge of the said district-court, the yearly compensation of 800 dollars, to commence from the date of his appointment, to be paid quarterly at the Treasury of the U. S. *ibid.* § 3.

78. From and after the expiration of the present session of Congress, the times and places of holding the several circuit courts of



the U. S. in the present and each succeeding year, shall be as follows, to wit :

In the state of New-York, at the city of New-York, on the 1st days of April and Sep.

In Connecticut, at New-Haven, on the 13th day of April, and at Hartford on the 17th day of Sep.

In Vermont, at Windsor, on the 1st day of May, and at Rutland, on the 3d day of Oct.

In New-Hampshire, at Portsmouth, on the 19th day of May, and at Exeter, on the 2nd day of Nov.

In Massachusetts, at Boston, on the 1st day of June, and 20th day of Oct.

In Rhode-Island, at Newport, on the 15th day of June, and at Providence on the 15th day of Nov.

In New-Jersey, at Trenton, on the 1st days of April and Oct.

In Pennsylvania, at Philadelphia, on the 11th days of April and Oct.

In Delaware, at New-Castle, on the 27th day of June, and at Dover, on the 27th day of Oct.

In Maryland, at Annapolis, on the 7th day of May, and at Baltimore, on the 7th day of Nov.

In Virginia, at Richmond, on the 22nd days of May and Nov.

In Georgia, at Savannah, on the 20th day of April, and at Augusta, on the 8th day of Nov.

In South-Carolina, at Charleston, on the 6th day of May, and the 25th day of Oct.

In North-Carolina, at Raleigh, on the 1st day of June, and on the 30th day of Nov. *Provided*, That if any of these days shall happen on a Sunday, the court shall be held on the day following. March 3, 1797, c. 81. § 1.

79. The 5 § of an "act for altering the times of holding the circuit-courts in certain districts of the U. S. and for other purposes," and the 3, 4, 5, and 6 § of "An act making certain alterations in the act for establishing the judicial, and altering the time and place of holding certain courts," are hereby repealed; and the stated district-courts of North-Carolina, shall, in future, be held at the town of Newbern. *ibid.* § 2.

80. After the 1st day of Sep. next, the present terms for holding the district-court, in the Kentucky district, shall cease, and thereafter the said court shall be holden on the 2nd Monday in March, the 3d Monday in June, and the 3d Monday in Nov. annually. *ibid.* § 6.

81. Any person who shall commit an offence against the laws of the U. S. on the east side of Cumberland mountain, within the district of Tennessee, shall not be held to answer at the court at Nashville, or any other place, on the west side of said mountain, and any person who shall commit an offence against the laws of the U. S. on the west side of said mountain, within the said district, shall not be held to answer, at the court at Knoxville, or any other place, upon the east side of said mountain, but all persons who

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shall commit offences against the laws of the U. S. (within the said district) shall be held to answer in the court on that side of the said mountain, where such offence shall have been committed. Feb. 19, 1799, c. 114 § 1.

82. Any suits which shall be brought by the U. S. in the district court of Tennessee, against any person residing on the east side of said mountain, shall not be returned to the court at Nashville, on the west side of the said mountain, and any suits which shall be brought by the U. S. against any person residing upon the west side of said mountain, shall not be returned to the court at Knoxville, on the east side of the said mountain. But all suits which shall be brought by the U. S. against any person or persons, residing on the respective sides of the said mountain, shall be returned to the court, on that side of the said mountain, where the defendant or defendants shall reside or be found at the time of bringing such suit or suits. *ibid.* § 2.

83. The western foot of Cumberland mountain shall be the boundary, dividing the jurisdiction of the eastern, from the western side of said mountain. *ibid.* § 3.

84. All suits which may be brought as aforesaid, shall be proceeded upon to final judgment in the court wherein such suit or suits shall have been originally returned, and it shall be the duty of the clerk for the district of Tennessee, to keep 2 separate dockets for the purposes aforesaid—1 for the court at Nashville, and 1 for the court at Knoxville—*Provided*, That nothing in this act shall be so construed, as to prevent writs of execution issued from either of the said courts, being executed on the person or property of the defendant or defendants, in any part of the district of Tennessee, in the same manner as if this act had never been made. *ibid.* § 4.

85. The session of the district court for the district of Vermont, by law appointed to be holden at Rutland in said district on the 1st Monday of May annually, shall hereafter be holden at Rutland in the said district on the 2nd Monday of May annually. Feb. 28, 1799, c. 127.

86. In all cases where a defendant, who hath procured bail to respond the judgment in a suit brought against him in any of the courts of the U. S. shall afterwards be arrested in any district of the U. S. other than that in which the first suit was brought, and shall be committed to a goal, the use of which shall have been ceded to the U. S. for the custody of prisoners, it shall be lawful for and the duty of any judge of the court, in which the suit is depending, wherein such defendant had so procured bail, as aforesaid, at the request and for the indemnification of the bail, to order and direct that such defendant be held in the gaol to which he shall have been committed a prisoner, in the custody of the marshal, within whose district such gaol is, and upon the said order duly authenticated, being delivered to the said marshal, it shall be his duty to receive such prisoner into his custody, and him safely to keep, and the marshal shall thereupon be chargeable, as in other cases, for an escape. And the said marshal thereupon

shall make a certificate, under his hand and seal, of such commitment, and transmit the same to the court from which such order issued; and shall also, if required, make a duplicate thereof, and deliver the same to such bail, his or their agent or attorney, and upon the said certificate being returned to the court which made the said order, it shall be lawful for the said court or any judge thereof, to direct that an exoneretur be entered upon the bail piece where special bail shall have been found, or otherwise to discharge such bail, and such bail shall thereupon accordingly be discharged. March 2, 1799, c. 138, § 1.

87. The marshal or his deputy, serving such order as aforesaid, shall therefor receive the same fees and allowances as for the service of an original process commitment thereon to the gaol and the return thereof. *ibid.* § 2.

88. In every case of commitment as aforesaid, by virtue of such order as aforesaid, the person so committed shall, unless sooner discharged by law, be holden in gaol until final judgment shall be rendered in the suit in which he procured bail as aforesaid, and 60 days thereafter, if such judgment shall be rendered against him, he may be charged in execution, which may be directed to and served by the marshal in whose custody he is. *Provided*, That nothing in this act contained shall effect any case wherein bail has been already given. *ibid.* § 3. See *alien enemies*, 2. *Fines and forfeitures*, mitigation of. *Duties*, collection of 65.

## Kentucky, State of.

1. **T**HE Congress doth consent, that the said district of Kentucky, within the jurisdiction of the Commonwealth of Virginia, and according to its actual boundaries, on the 18th day of Dec. 1789, shall, upon the 1st day of June, 1792, be formed into a new state, separate from, and independant of, the said Commonwealth of Virginia. Feb. 4. 1791 c. 4, § 1.

2. Upon the aforesaid 1st day of June, 1792, the said new state, by the name and stile of the State of Kentucky, shall be received and admitted into this Union, as a new and entire member of the U. S. of America. *ibid.* § 2.

## Laws, Promulgation of.

1. **F**OR the more general promulgation of the laws of the U. S. the Secretary for the department of State shall, after the end of the next session of Congress, cause to be printed and collated at the public expense, a complete edition of the laws of the U. S.



comprising the constitution of the U. S. the public acts then in force, and the treaties, together with an index to the same. March 3, 1795, c. 115, § 1.

2. 4500 copies of the said edition shall be divided by the said Secretary, among the respective states, and the territories north-west and south of the river Ohio, according to the rule for apportioning representatives; and the proportion of each state or territory shall be transmitted by the said Secretary to the governor or supreme executive magistrate thereof, to be deposited in such fixed or convenient place in each county, or other subordinate civil division of such state, or territory, as the executive or legislature thereof shall deem most conducive to the general information of the people: and 500 copies of the said edition shall be reserved for the future disposition of Congress. *ibid.* § 2.

3. The acts passed at each succeeding session of Congress, including future treaties, shall be printed and distributed, in like manner and proportion. *ibid.* § 3.

4. The secretary for the Department of state shall cause to be included in the edition of the laws of the U. S. directed to be printed by the said act, the laws of the U. S. which may be printed during the present session, provided the same can be done at a reasonable expence. Dec. 21, 1796, c. 55.

5. The 500 copies of the laws of the U. S. directed to be printed by the act, intituled, "An Act for the more general promulgation of the laws of the U. S." and which were, by the said act, reserved for the future disposition of Congress, shall be distributed by the Secretary of State, in the manner following: One set shall be delivered to George Washington, now President of the U. S. to the President of the U. S. to the Vice President of the U. S. and to each of the members of the Senate, and House of Representatives; 6 sets shall be delivered to the Secretary of the Senate, and 12 sets to the clerk of the House of Representatives; 1 set shall be delivered to each of the Judges of the Supreme Court; to each of the Judges of the District Courts; and to each of the Marshals and Attorneys of each district; 1 set shall be delivered to the Secretary of State; to the Secretary of the Treasury, to the Secretary of War; to the Attorney-General, to the Director of the Mint; to the Comptroller of the Treasury; to the Commissioner of the Revenue; to the Register; to the Auditor; to the Accountant of the War-Department, and to the Postmaster General, and the Purveyor of public supplies; 1 set shall be delivered to the Governor and to the Secretary of the Territory northwest of the Ohio, and to each of the Judges thereof; 1 set shall be delivered to each Collector, Naval Officer and Surveyor, and to each Supervisor and Inspector of the Revenue, in the U. S. *Resol. March 3, 1797.*

6. In case of the death, resignation, or dismissal from office, of either of the officers before mentioned, excepting the President and Vice-President of the U. S. the members of the Senate, and House of Representatives, and the Judges of the Supreme and Dis-

strict Courts, the said copies of the laws of the U. S. delivered to them as aforesaid, shall belong to their respective successors in the said offices. *ibid.*

7. The Secretary of State shall, as soon as conveniently may be, after he shall receive any order, resolution or law passed by Congress, cause the same to be published at least in 1 of the public news-papers printed within each state, and whenever in any state, the aforesaid publication shall be found not sufficiently extensive for the promulgation thereof, the Secretary of State shall cause such orders, resolutions and laws to be published in a greater number of news papers printed within such state, not exceeding 3 in any state. March 2, 1799, c. 136, § 1.

8. In addition to the number of copies of the laws now required to be printed, at the end of every session of Congress, there shall be printed, under the direction of the Secretary of State, 5000 copies; 1 copy whereof he shall cause to be delivered to each of the judges of the courts of the U. S. 1 copy to the clerks of the said courts respectively, for the use of the said courts; and 1 copy to each of the district attorneys and marshals of the U. S. the rest to be furnished according to the rule for apportioning representatives to the several states, and sent to the Executives thereof, to be by them distributed according to the usage of the states, respectively, as to their own laws, or according to such laws of the states, respectively, as may be provided for the purpose. *ibid.* § 2.

9. The Secretary of State shall cause a copy of the constitution of the U. S. and of the amendments which have been made thereto, to be added to each copy of the laws of the present session of Congress, which is to be printed. *ibid.* § 3.

10. So much of the 2nd § of the act, intituled "An act to provide for the safe keeping of the acts, records and seal of the U. S." as relates to the publishing the laws, orders, resolutions and votes passed by Congress, in the public news-papers, is hereby repealed. *ibid.* § 4.

## Legislatures of the several States.

1. IT is recommended to the Legislatures of the several states to pass laws, making it expressly the duty of the keepers of their gaols, to receive and safe keep therein all prisoners committed under the authority of the U. S. until they shall be discharged by due course of the laws thereof, under the like penalties as in the case of prisoners committed under the authority of such states respectively; the U. S. to pay for the use and keeping of such gaols, at the rate of 50 cents per month for each prisoner that shall, under their authority, be committed thereto, during the time such prisoners shall be therein confined; and also to support such of said prisoners as shall be committed for offences. *Resol.* Sep. 23, 1789.

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2. In case any state shall not have complied with the said recommendation, the marshal in such state, under the direction of the judge of the district, is authorized to hire a convenient place to serve as a temporary jail, and to make the necessary provision for the safe-keeping of prisoners committed under the authority of the U. S. until permanent provision shall be made by law for that purpose; and the said marshal shall be allowed his reasonable expenses incurred for the above purposes, to be paid out of the treasury of the U. S. *Resol.* March 3, 1791.



## Light-houses, Beacons, Buoys, & Public Piers.

1. **A**LL expenses which shall accrue from the 15th August 1789 in the necessary support, maintenance and repairs of all Light-houses, Beacons, Buoys, and public Piers, erected, placed, or sunk before the passage of this act, at the entrance of, or within any bay, inlet, harbour, or port of the U. S. for rendering the navigation thereof easy and safe, shall be defrayed out of the treasury of the U. S. but none of the said expenses shall continue to be so defrayed by the U. S. after the expiration of 1 year from the day aforesaid, unless such light-houses, beacons, buoys and public piers, shall in the mean time be ceded to, and vested in the U. S. by the state or states respectively in which the same may be, together with the lands and tenements thereunto belonging, and together with the jurisdiction of the same. Aug. 7, 1789. c. 9. § 1.

2. A light-house shall be erected near the entrance of the Chesapeake-Bay, at such place, when ceded to the U. S. in manner aforesaid, as the President of the U. S. shall direct. *ibid.* § 2.

3. It shall be the duty of the Secretary of the Treasury to provide by contracts, which shall be approved by the President of the U. S. for building a light-house near the entrance of Chesapeake-Bay, and for rebuilding when necessary, and keeping in good repair, the light houses, beacons, buoys, and public piers in the several states, and for furnishing the same, with all necessary supplies; and also to agree for the salaries, wages, or hire of the person or persons appointed by the President, for the superintendence and care of the same. *ibid.* § 3.

4. All pilots in the bays, inlets, rivers, harbours and ports of the U. S. shall continue to be regulated in conformity with the existing laws of the states respectively wherein such pilots may be, or with such laws as the states may respectively hereafter enact for the purpose, unless further legislative provision shall be made by Congress. *ibid.* § 4.

5. A sum not exceeding 1500 dollars appropriated by the Se-



### 320 *Light-houses, Beacons, Buoys, and public piers.*

cretary of the Treasury, under the direction of the President of the U. S. for finishing the light-house on Portland head, in the district of maine. Aug. 10, 1790, c. 41.

6. Expences from the 1st July next of all light-houses, &c. shall be defrayed by the U. S. until the first July 1792, March 3, 1791, c. 24, § 3.

7. The Secretary of the Treasury, under the direction of the President of the U. S. is authorized to cause to be finished, the light-house on Baldhead, at the mouth of Cape Fear river, in the state of North-Carolina, and to appropriate not exceeding 4000 dollars for the same. April 2, 1792, c. 15.

8. All expences which shall accrue from the 1st July next, inclusively, for the necessary support, maintenance, and repairs of all light-houses, beacons, buoys, the stakeage of channels, on the seast coast, and public piers, shall continue to be defrayed by the U. S. until the 1st July 1793, notwithstanding such light-houses, beacons, or public piers, with the lands and tenements thereunto belonging, and the jurisdiction of the same, shall not in the mean time be ceded to, or vested in the U. S. by the state or states respectively, in which the same may be, and the said time is further allowed, to the states respectively to make such cession. April 12, 1792. c. 17, § 1. (see art 11)

9. The Secretary of the Treasury is authorized to cause to be provided, erected, and placed, a floating beacon, and as many buoys, as may be necessary for the security of navigation, at, and near the entrance of the harbor of Charleston, in the state of South-Carolina. And also to have affixed 3 floating beacons in the bay of Chesapeake; 1 at the north end of Willoughby's Spit, another at the tail of the Horse-Shoe; and the third on the shoalest place of the middle ground. *ibid.* § 2.

10. As soon as the jurisdiction of such land on Montok point in the state of New-York, as the President of the U. S. shall deem sufficient and most proper for the convenience and accommodation of a light-house shall have been ceded to the U. S. it shall be the duty of the Secretary of the Treasury, to provide by contract, which shall be approved by the President of the U. S. for building a light-house thereon, and for furnishing the same with all necessary supplies, and also to agree for the salaries or wages of the person or persons who may be appointed by the President for the superintendence and care of the same; and the President is hereby authorized to make the said appointments. The number and disposition of the lights in the said light-house shall be such as may tend to distinguish it from others, and as far as is practicable, prevent mistakes. 12, 1792, c. 18.

11. All expences, which shall accrue from the 1st July next inclusively, for the necessary support, maintenance and repairs of all light-houses, beacons, buoys, the stakeage of channels on the sea coast, and public piers, shall continue to be defrayed by the U. S. until the 1st July, in the year 1794, notwithstanding such light-houses, beacons, or public piers, with the lands and tenements

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thereunto belonging, and the jurisdiction of the same, shall not, in the mean time, be ceded to, or vested in the U. S. by the state or states respectively, in which the same may be : and the said time is further allowed to the states respectively, to make such cession. March 2, 1793, c. 27. § 1.

12. The Secretary of the Treasury is authorized and directed to cause a floating beacon or buoy to be provided and placed on Smith's point shoal, in the Chesapeak bay, and a beacon or floating buoy at the south-west straddle on the Royal-shoal, near Ocracoke inlet, in North-Carolina. *ibid.* § 2.

*This act, so far as the same provides for defraying the necessary expence of supporting light houses, beacons, buoys and public piers, and the sleekage of channels on the sea coast, is continued for two years. By May 30, 1796, c. 43, § 1.*

13. The Secretary of the Treasury is authorized and directed to cause to be placed buoys on the rocks called Black Ledge, or South-west Ledge, Goshen Reef, Bartlet's Reef, and Race Rock, off the harbour of New-London, in the state of Connecticut, at an expence, not to exceed 1200 dollars ; and cause to be erected a beacon, and to be placed two buoys in the harbour of Portsmouth, New-Hampshire, & cause to be placed in Providence river Rhode-Island, and in Savannah river Georgia, and at the mouth of the same buoys, not exceeding ten for each river, to be placed in such parts as he may judge most advantageous. April 5. 1794, c. 18

14. As soon as the jurisdiction of so much of the head-land of Cape Hatteras in the state of North-Carolina, as the President of the U. S. shall deem sufficient and most proper for the convenience & accommodation of a light-house shall have been ceded to the U. S. it shall be the duty of the Secretary of the Treasury to provide by contract, which shall be approved by the President of the U. S. for building a light-house thereon, of the first rate, and furnishing the same with all necessary supplies, and also to agree for the salaries or wages of the person or persons who may be appointed by the President for the superintendence and care of building said light-house : And the President is hereby authorized to make said appointments. The number and disposition of the lights in the said light-house shall be such, as may tend to distinguish it from others, and as far as practicable, to prevent mistake in navigators. May 13, 1794, c. 28, § 1.

15. The Secretary of the Treasury is authorized to provide by contract, which shall be approved by the President of the U. S. for building on an island in the harbor of Occacock, Called Shell Castle, a lighted beacon of a wooden frame, 55 feet high, to be 22 feet at the base, and to be reduced gradually to 12 feet at the top exclusively of the lantern which shall be made to contain 1 large lamp with 4 wicks, and for furnishing the same with all necessary supplies. *Provided*, That no such lighted beacon shall be erected, until a cession of a sufficient quantity of land on the said island shall be made to the U. S. by the consent of the legislature of the state of North-Carolina. *ibid.* § 2.

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16. Sufficient monies shall be appropriated for the erecting and completing the buildings aforesaid out of any monies heretofore appropriated which may remain unexpended. *ibid.* § 3.

17. It shall be the duty of the Secretary of the Treasury to provide, by contract, which shall be approved by the President of the U. S. for building a light-house on the island of Seguin, near the entrance of the river Kennebeck, in the district of Maine, (the commonwealth of Massachusetts having ceded to the U. S. 10 acres of the said island, for that purpose) and to furnish the same with all necessary supplies, and also to agree for the salaries or wages of the person or persons, who may be appointed by the President, for the superintendence and care of the same: And the President shall make the said appointments: The number or disposition of the light or lights in the said light-house, shall be such as may tend to distinguish it from others, as far as is practicable. May 19, 1794, c. 31. § 1.

18. A sum not exceeding 5000 dollars is appropriated for the same. *ibid.* § 2.

19. It shall be the duty of the Secretary of the Treasury, to cause a beacon to be erected, and 3 buoys to be placed at the entrance of Saint Mary's river in the state of Georgia, and a sum, not exceeding 300 dollars, is appropriated in like manner, as the sum for defraying the expenses for erecting a light-house on the island or Seguin, is appropriated by this act, for the purpose of defraying the charges of erecting and placing the same. *ibid.* § 3.

20. The Secretary of the Treasury is hereby required to cause to be erected, as soon as may be, a light-house near the entrance of the harbour of George-Town, in the state of South-Carolina, at such place, when ceded to the U. S. as shall be most convenient for the navigation thereof; & a sum not exceeding 5000 dollars shall be appropriated for the same: And a sum not exceeding 1000 dollars, is appropriated, for placing buoys on certain shoals in Cape-Fear river, below the town of Wilmington in the state of North-Carolina. Feb. 21, 1795, c. 91.

21. Where cessions have been, or hereafter may be made, by any state, of the jurisdiction of places, where light-houses, beacons, buoys or public piers have been erected and fixed, or may, by law, be provided to be erected or fixed, with reservation, that process, civil and criminal, issuing under the authority of such state, may be executed and served therein, such cessions shall be deemed sufficient, under the laws of the U. S. providing for the supporting or erecting of light-houses, beacons, buoys and public piers. March, 2, 1795, c. 105, § 1.

22. Where any state hath made, or shall make a cession of jurisdiction, for the purposes aforesaid, without reservation, all process, civil and criminal, issuing under the authority of such state, or the U. S. may be served and executed within the places, the jurisdiction of which has been so ceded, in the same manner, as if no such cession had been made. *ibid.* § 2.

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23. The Secretary of the Treasury is hereby authorized and directed, to provide by contract, which shall be approved by the President of the U. S. for building a light-house on Baker's island, near the entrance into the harbour of Salem and Beverly, in the state of Massachusetts, (as soon as a cession of the jurisdiction, to the U. S. over the land proper for the purpose, is made by the said state) and to furnish the same with all necessary supplies: And also, to agree for the salaries, or wages, of the person or persons, who may be appointed by the President, for the superintendence and care of the same; And the President is authorized to make the said appointments: The number or disposition of the light or lights, in the said light-house, shall be such, as may tend to distinguish it from others, as far as is practicable, and 6000 dollars, is appropriated for the same. April 8, 1796. c. 12.

24. It shall be the duty of the Secretary of the Treasury, to provide, by contract, which shall be approved by the President of the U. S. for building a light-house on Cape-Cod, in the state of Massachusetts, (as soon as the necessary cession of land for the purpose shall be made by the said state to the U. S.) and to furnish the same, with all necessary supplies: And also, to agree for the salaries, or wages of the person, or persons, who may be appointed by the President, for the superintendence and care of the same: And the number or disposition of the light or lights in the said light-house, shall be such, as may tend to distinguish it from others, as far as is practicable; and the light or lights on Gurnet-head, at the entrance of Plymouth harbour, shall be altered or diminished, if necessary: and 8000 dollars is appropriated for the same. May 17, 1796, c. 27.

25. The Secretary of the Treasury is authorized and directed, to cause to be placed in and near the harbour of Boston, in the state of Massachusetts, upon such rocks, ledges, or shoals, as the security of navigation there most requires to be distinguished, not exceeding 6 larger, and 10 smaller buoys, whereof the whole expence shall not exceed 1600 dollars. March 3, 1797, c. 78,

26. As soon as the jurisdiction of so much of the head land of Eaton's Neck, on Nassau-Island, in the state of New-York, as the President of the U. S. shall deem sufficient and most convenient for the purpose of erecting a light-house, and its appurtenances shall have been ceded to the U. S. it shall be the duty of the Secretary of the Treasury, to provide, by contract, which shall be approved by the President of the U. S. for building a light-house thereon, and furnishing the same with all necessary supplies; and also to agree for the salaries or wages of the person or persons who may be appointed by the President for the superintendence and care of building the said light house: And the President is hereby authorized to make the said appointments. March 14, 1798. c. 33. § 1.

27. The Secretary of the Treasury is authorized and directed to cause to be placed, 6 buoys on the shoals called the east and west banks, and the middle ground, near Sandy-Hook, off the har-

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bour of New-York, and 2 buoys on the north and south points of Goat-Island, near the entrance of the harbour of Newport, in the state of Rhode-Island : and also, to cause to be placed such number of buoys as may be necessary for the security of the navigation in and near the harbour of Nantucket, in the state of Massachusetts. *ibid.* § 2.

28. There shall be appropriated 13,250 dollars, for the purposes aforesaid. *ibid.* § 3.

29. As soon as a cession shall be made by the state of Virginia to the U. S. of the jurisdiction over a tract of land proper for the purpose, the Secretary of the Treasury, is hereby authorized to provide, by contract, to be approved by the President of the U. S. for building a light-house on Old Point Comfort, in the said state, and to furnish the same with all necessary supplies ; and also to agree for the salaries or wages of the person or persons who may be appointed by the President for the superintendence and care of the same ; and the President shall make the said appointments ; and also, the Secretary of the Treasury shall cause 6 buoys to be placed near the entrance of Portland harbour, in the state of Massachusetts, at such places as, in his opinion, will best secure the navigation of the said port ; and cause the channel of Warren river, from Narraganset Bay, to the port of Warren, in the state of Rhode-Island, to be staked out and distinctly marked. April 27, 1798, c. 51, § 1.

30. There shall be appropriated, the sum of 3050 dollars, for the purposes aforesaid. *ibid.* 2.

31. As soon as the jurisdiction of such land at Gay-Head, on the western part of Martha's Vineyard, in the state of Massachusetts, as the President of the U. S. shall deem sufficient, and most proper for the accommodation of a light-house, shall be ceded to the U. S. the Secretary of the Treasury shall provide by contract, to be approved by the President, for building a light-house thereon, and for furnishing the same with supplies, and to agree for the salaries and wages of those who may be appointed by the President for the superintendence of the same. July 16, 1798, c. 95, § 1.

32. As soon as such land at the New-Inlet of Cape Fear river, in the state of North-Carolina, as the President shall deem sufficient and most proper whereon to erect a lighted beacon, shall be ceded to the U. S. and the jurisdiction thereof, the Secretary of the Treasury shall provide by contract, for erecting a lighted beacon thereon ; and also for placing a buoy in the inlet aforesaid, and for furnishing the same with all necessary supplies. *ibid.* § 2.

33. For the purposes aforesaid, and also for the payment of such sum as shall be found due to the commissioners of pilotage of the port of Savannah, in the state of Georgia, for erecting a beacon, and placing sundry buoys at the entrance of the said port, on a settlement of their accounts at the Treasury, there shall be appropriated the sum of 5750 dollars : *Provided*, That no payment shall be made for erecting the said beacon, until the land whereon the same has been erected together with the jurisdiction thereof, shall

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have been ceded to the U. S. agreeable to law, and in like manner as has been done in other cases. *ibid.* § 3.

34. The Secretary of the Treasury, under the direction of the President of the U. S. is authorized, as soon as may be, to cause a beacon or monument to be erected on a ledge of rocks, called Boon Island, on the sea coast of the district of Maine, and 400 dollars shall be appropriated for the same. March 2, 1799, c. 145.

## Limitation of Claims against the United States.

1. **A**LL claims upon the U. S. for services or supplies, or for other cause, matter or thing, furnished or done, previous to the 4th day of March, 1789, whether founded upon certificates or other written documents from public officers, or otherwise, which have not already been barred by any act of limitation, and which shall not be presented at the Treasury, before the 1st day of May, 1794, shall forever after be barred and precluded from settlement or allowance: *Provided*, That nothing herein contained, shall be construed to affect loan office certificates, certificates of final settlement, indents of interest, balances entered in the books of the Register of the Treasury, certificates issued by the Register of the Treasury, commonly called registered certificates, loans of money obtained in foreign countries, or certificates issued pursuant to the act, intitled, "An act making provision for the debt of the U. S." *And provided further*, That nothing herein contained, shall be construed to prohibit the proper officers of the treasury from demanding an account or accounts to be rendered, for any monies heretofore advanced, and not accounted for, or from admitting, under the usual forms and restrictions, credits for expenditures, equal to the sums which have been so advanced. Feb. 12, 1793, c. 6, § 1.

2. It shall be the duty of the Auditor of the Treasury, to receive all such claims aforesaid, as have not been heretofore barred by any act of limitation, as shall be presented before the time aforesaid, with the certificates, or other documents in support thereof, and to cause a record to be made of the names of the persons, and of the time when the said claims are presented; which record shall be made in the presence of the person or persons presenting the same, and shall be the only evidence that the said claims were presented, during the time limited by this act.

3. It shall be the duty of the accounting officers of the treasury, to make report to Congress, upon all such of the said claims, as shall not be allowed to be valid, according to the usual forms of the treasury. *ibid.* § 2.



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4. All claims for the renewal of certificates of the unsubscribed debt of the U. S. of the descriptions commonly called "Loan-Office Certificates," or "Final Settlements," which may have been accidentally destroyed, shall be forever barred and precluded from settlement or allowance, unless the same shall be presented at the treasury, on or before the 1st day of June, 1795. April, 21, 1794, c. 21, § 1.

5. No claim shall be allowed for the renewal of loan-office certificates destroyed before the 4th day of March, 1789, unless the destruction of the same was advertised, according to the resolution of Congress, of the 10th day of May, 1780, or before that time, was notified to the office from which the same was issued, nor shall claims be allowed for the renewal of loan office certificates destroyed on or after the said 4th day of March, 1789, nor of final-settlement certificates destroyed at any time, unless the destruction of the same was so far made public, as to be known to at least 2 credible witnesses, soon after it happened, and shall have been before the presentation of the claim, as hereinafter provided, advertised for at least 6 weeks successively, in some one of the newspapers of the state in which the destruction happened; and also, in some one of the newspapers of the state in which the certificate issued, if that was another state; the advertisement or advertisements, in such case, expressing with as much precision as possible, the number, date, and amount of the certificate alleged to have been destroyed, and the name of the person to whom the same was issued, together with the time when, the place where, and the means by which the same was destroyed. *ibid.* § 2.

6. All claims for the renewal of destroyed certificates, of either of the descriptions aforesaid, not precluded by this act, shall be receivable, with the evidence in support of the same, by the Auditor of the Treasury, until the said 1st day of June 1795, and shall, by the accounting officers of the Treasury, be duly examined; and if satisfactorily supported, the claimants shall be entitled to receive certificates of registered debt, equal to the specie-value of the loan-office or final settlement certificates so proved to have been destroyed. *ibid.* § 3.

7. All credits on the books of the Treasury of the U. S. for transactions during the late war, which according to the course of the Treasury, have hitherto been discharged by issuing certificates of registered debt, shall be forever barred and precluded from settlement or allowance, unless claimed by the proper creditors, or their legal representatives on or before the 1st March 1799, and the Secretary of the Treasury is required to cause this act to be published in one or more of the public newspapers of each state. July, 9, 1798, c. 86.

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## Marines.

1. **I**N addition to the present military establishment, there shall be raised and organized a corps of marines, which shall consist of one major, 4 captains, 16 first lieutenants, 12 second lieutenants, 48 serjeants, 48 corporals, 32 drums and fifes, and 720 privates, including the marines who have been enlisted, or are authorized to be raised for the naval armament; and the said corps may be formed into as many companies or detachments, as the President of the U. S. shall direct, with a proper distribution of the commissioned and non-commissioned officers and musicians to each company or detachment. July 11, 1798, c. 89, § 1.

2. The pay and subsistence of the said officers, privates and musicians, shall be as follows, to wit: To a major, 50 dollars per month, and 4 rations per day; to a captain, 40 dollars per month, and 3 rations per day; to a first lieutenant, 30 dollars per month, and 3 rations per day; to a second lieutenant, 25 dollars per month, and 2 rations per day; and to the non-commissioned officers, privates and musicians, conformably to the act, intituled, "An act providing a naval armament," (see *navy*) as shall be fixed by the President of the U. S. And the President of the U. S. shall be authorized to continue the enlistment of marines, until the said corps shall be compleat; and of himself, to appoint the commissioned officers, whenever, in the recess of the Senate, an appointment shall be necessary. And the enlistments, which shall be made by virtue hereof, may be for the term of 3 years, subject to be discharged by the President of the U. S. or by the ceasing or repeal of the laws providing for the naval armament. And if the marine corps, or any part of it, shall be ordered by the President to do duty on shore, and it shall become necessary to appoint an adjutant, paymaster, quarter-master, serjeant-major, quarter-master-serjeant, and drum and fife-major, or any of them, the major or commandant of the corps, is hereby authorized to appoint such staff-officer or officers, from the line of subalterns, serjeants and music, respectively, who shall be entitled, during the time they shall do such duty, to the same extra pay and emoluments, which are allowed by law, to officers acting in the same capacities in the infantry. *ibid.* § 2.

3. The detachments of the corps of marines hereby authorized, shall be made in lieu of the respective quotas of marines, which have been established or authorized for the frigates, and other armed vessels and galleys, which shall be employed in the service of the U. S.: And the President of the U. S. may detach and appoint such of the officers of this marine corps, to act on board the frigates, and any of the armed vessels of the U. S. respectively, as he shall, from time to time, judge necessary. *ibid.* § 3.

4. The officers, non-commissioned officers, privates & musicians aforesaid, shall take the same oath, & shall be governed by the same

rules & articles of war, as are prescribed for the military establishment of the U. S. & by the rules for the regulation of the navy, heretofore, or which shall be established by law, according to the nature of the service in which they shall be employed, and shall be entitled to the same allowance, in case of wounds or disabilities, according to their respective ranks, as are granted by the act "to ascertain and fix the military establishment of the U. S. *ibid.* § 4.

5. The non-commissioned officers, musicians, seamen and marines who are or shall be enlisted into the service of the U. S. shall be exempted, during the term of service, from all personal arrests, for any debt or contract. *ibid.* § 5.

6. The marine corps, established by this act, shall, at any time, be liable to do duty in the forts and garrisons of the U. S. on the sea coast, or any other duty on shore, as the President at his discretion, shall direct. *ibid.* § 6.

7. The President of the U. S. is authorized to cause the Marine corps in the service of the U. S. to be augmented, by the appointment and enlistment of not exceeding 2 first lieutenants, 6 second lieutenants, eight surgeons, 170 privates, & 18 drums and fifes, who shall be respectively allowed the same pay, bounty, cloathing, and rations, and shall be employed under the same rules and regulations to which the said marine corps are or shall be entitled and subject. March 2, 1799, c. 143.

## Maryland, State of.

1. **T**HE consent of Congress is granted and declared, to the operation of an act of the general assembly of Maryland, passed the 28th Dec. 1793, intituled "An act to appoint a Health-officer for the Port of Baltimore, in Baltimore county," so far as to enable the State aforesaid, to collect a duty of one cent per ton, on all vessels coming into the district of Baltimore, from a foreign voyage, for the purposes in said act intended. March 27, 1798, c. 39. *cont.* 1 year, and to the end of the next session.

## Massachusetts, commonwealth of.

1. **T**HE consent of Congress is granted and declared to the operation of an act of the Legislature of the Commonwealth of Massachusetts, passed the 2. Feb. 1798 intituled "An act to incorporate Tobias Lord, Oliver Keating, Thatcher Godard, and others, for the purpose of keeping in repair a pier, at the mouth of Kennebunk river, and to grant them a duty for reimbursing the expence of erecting the same. March 27, 1798, c. 38.

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## Medical Establishment.

1. **I**N the medical establishment of the U. S. there shall be the following officers :—A physician-general, who shall be charged with the superintendence and direction of all military hospitals, and generally of all medical and chirurgical practice or service concerning the army or navy of the U. S. and of all persons who shall be employed in and about the same, in camps, garrisons and hospitals. An apothecary-general and one or more deputies, who shall be charged with the safe-keeping and delivery of all medicines, instruments, dressings and other articles for the use of the hospital and army. A purveyor, who shall be charged with providing medicines, stores, and whatsoever else may be necessary in relation to the said practice or service. A competent number of hospital surgeons, who shall be liable to serve in the field, and who shall have the immediate charge and direction of such military hospitals as may be committed to their care respectively. A suitable number of hospital mates, who are to observe the directions of the hospital surgeons, and shall diligently perform all reasonable duties required of them for the recovery of the sick and wounded. March 2, 1799, c. 133, § 1.

2. Each military hospital shall have a steward, with a competent number of nurses and other attendants ; which steward shall be charged with the procuring of such supplies as may not otherwise be furnished, and with the safe-keeping and issuing of all supplies. *ibid.* § 2.

3. The said physician-general, hospital surgeons, purveyor, and apothecary and apothecaries, deputy or deputies, shall be appointed as other officers of the U. S. the said mates and stewards shall be appointed by the authority, and at the discretion of the said physician-general, subject to the eventual approbation and controul of the President of the U. S. and shall be removable by the authority of the said physician-general ; and the surgeon of each hospital shall appoint, employ and fix the compensations of the nurses and other attendants of such hospital, subject to the controul of the said physician-general, or the hospital surgeon, of senior appointment, with a separate army, or in a separate district. *ibid.* § 3.

4. As often as the regimental sick will not suffer by the employing of regimental surgeons or mates in the temporary or other hospitals of the U. S. the physician-general, or the hospital surgeon of senior appointment with a separate army, or in a separate district, with the consent of the general and commander in chief, or the officer commanding a separate army, may require the attendance of such surgeons or surgeon's mates, as, in his opinion, can be with safety so withdrawn from their regiments. *ibid.* § 4.

5. It shall be the duty of the physician-general, with 2 or more hospital surgeons, to frame a system of directions relative to the

description of patients to be admitted into the hospitals; to the means of promoting cleanliness in the hospitals; to the prevention of idleness, skulking and gambling in the hospitals; to the prevention of the spread of infectious distempers in the camps and hospitals, and the government of nurses, and all others charged with the care of the sick, in camps or hospitals, subject in the first instance to the approbation and revision of the commander in chief, the commander of a separate army, or in a separate district, as the case may be, and eventually to the approbation and controul of the President of the U. S. *Provided always*, That the said directions, having received the sanction of the commander in chief, or the commander of a separate army, shall be operative, and remain in full force, unless altered or annulled by the President of the U. S. *ibid.* § 5.

6. The compensations of the said several officers shall be as follows: Of the physician-general, 100 dollars pay per month, and 50 dollars per month, which shall be in full compensation for forage, rations and travelling expenses: Of the purveyor, 100 dollars pay per month, in full compensation for his services and all expenses: Of the apothecary-general, 80 dollars pay per month, and 30 dollars per month in full compensation for forage, rations, and all expenses: of each of his deputies, 50 dollars pay per month, and 16 dollars per month in full compensation for forage, rations, and all expenses: Of each hospital surgeon, 80 dollars pay per month, and 40 dollars per month in full compensation for forage, rations, and all expenses: Of each mate, 30 dollars pay per month, and 20 dollars per month in full compensation for forage, rations, and all expenses: Of each steward, 25 dollars pay per month, and 8 dollars per month in full compensation for forage rations, and all expenses. *Provided*, that none of the officers aforesaid shall be entitled to any part of the pay or emoluments aforesaid, until they shall respectively be called into actual service. *ibid.* § 6.

7. For the accommodation of the sick of the army and navy of the U. S. the physician general and hospital surgeon of senior appointment, with the approbation of the general commanding the army within the district where he shall be, shall have power to provide temporary hospitals; and the physician-general, with the approbation of the President of the U. S. shall have power to provide and establish permanent hospitals. *ibid.* § 7.

8. All the said officers and others shall, as touching their several offices and duties, be liable to the rules and regulations for the government and discipline of the army, and shall be bound to obey, in conformity with law and the usages and customs of armies, the orders and directions of the chief military officers of the respective armies, and within the respective districts in which they shall respectively serve and be. *ibid.* § 8.

9. The physician-general, or in his absence, the senior medical officer, with the approbation of the commander in chief, or commanding officer of a separate army, is authorized and empow-

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ered as often as may be judged necessary, to call a medical board, which shall consist of the 3 senior medical officers then present, whole duty it shall be to examine all candidates for employment or promotion in the hospital department, and certify to the Secretary at War the qualifications of each. *ibid.* § 9.

## Merchant vessels, armed.

1. THE Commander and crew of any Merchant vessel of the U. S. owned wholly by a citizen or citizens thereof, may oppose and defend against any search, restraint or seizure which shall be attempted upon such vessel, or upon any other vessel owned as aforesaid by the commander or crew of any armed vessel sailing under French colours, or acting, or pretending to act, by, or under the authority of the French Republic; & may repel by force any assault or hostility which shall be made or committed, on the part of such French, or pretended French vessel pursuing such attempt and may subdue and capture the same, and may also retake any vessel owned, as aforesaid, which may have been captured by any vessel sailing under French colours, or acting, or pretending to act by or under authority from the French Republic. June 25, 1798, c. 77, § 1. *cont. for a year and to the end of the next session thereafter.*

2. Whenever the commander and crew of any merchant vessel of the U. S. shall subdue and capture any French, or pretended French armed vessel, from which an assault or other hostility shall be first made, as aforesaid, such armed vessel with her tackle, appurtenances, ammunition and lading, shall accrue, the one-half to the owner or owners of such merchant vessel of the U. S. and the other half to the captors: And being brought into any port of the U. S. shall and may be adjudged and condemned to their use, after due process and trial, in any court of the U. S. having admiralty jurisdiction, and which shall be holden for the district into which such captured vessel shall be brought, and the same court shall thereupon order a sale and distribution thereof, accordingly, and at their discretion; saving any agreement, which shall be between the owner or owners, and the commander and crew of such merchant vessel. In all cases of recapture of vessels belonging to citizens of the U. S. by any armed merchant vessel, aforesaid, the said vessels, with their cargoes, shall be adjudged to be restored, and shall, by decree of such courts as have jurisdiction, in the premises, be restored to the former owner or owners, he or they paying for salvage, not less than one-eighth, nor more than one-half of the true value of the said vessels and cargoes, at the discretion of the court; which payments shall be made without any deduction, whatsoever. *ibid.* § 2.

3. After notice of this act, at the several custom-houses, no



armed merchant vessel of the U. S. shall receive a clearance or permit, or shall be suffered to depart therefrom, unless the owner or owners, and the master or commander of such vessel for the intended voyage, shall give bond, to the use of the U. S. in a sum equal to double the value of such vessel, with condition, that such vessel shall not make or commit any depredation, outrage, unlawful assault, or unprovoked violence upon the high seas, against the vessel of any nation in amity with the U. S. and the guns, arms and ammunition of such vessel shall be returned within the U. S. or otherwise accounted for, and shall not be sold or disposed of in any foreign port or place; and such owner or owners, and the commander and crew of such merchant vessel, shall, in all things, observe and perform such further instructions in the premises, as the President of the U. S. shall establish and order, for the better government of the armed merchant vessels of the U. S. *ibid.* § 3.

4. The President of the U. S. shall be authorized to establish and order suitable instructions to, and for, the armed merchant vessels of the U. S. for the better governing and restraining the commanders and crews who shall be employed therein, and to prevent any outrage, cruelty or injury, which they may be disposed to commit; a copy of which instructions shall be delivered by the collector of the customs to the commander of such vessel, when he shall give bond, as aforesaid. And it shall be the duty of the owner or owners, and commander and crew, for the time being, of such armed merchant vessel of the U. S. at each return to any port of the U. S. to make report to the collector thereof of any rencounter which shall have happened with any foreign vessel, & of the state of the company & crew of any vessel which they shall have subdued or captured; and the persons of such crew or company shall be delivered to the care of such collector, who, with the aid of the marshal of the same district, or the nearest military officer of the U. S. or of the civil or military officers of any state, shall take suitable care for the restraint, preservation and comfort of such persons, at the expence of the U. S. until the pleasure of the President of the U. S. shall be known concerning them. *ibid.* § 4.

5. Whenever the government of France, and all persons acting by, or under their authority, shall disavow, and shall cause the commanders and crews of all armed French vessels to refrain from the lawless depredations and outrages hitherto encouraged and authorized by that government against the merchant vessels of the U. S. and shall cause the laws of nations to be observed by the said armed French vessels, the President of the U. S. is authorized to instruct the commanders and crews of the merchant vessels of the U. S. to submit to any regular search by the commanders or crews of French vessels, and to refrain from any force or capture to be exercised by virtue hereof. *ibid.* § 6.

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## Military establishment.

1. **T**HE army shall be in future paid in such manner that the arrears shall at no time exceed 2 months Jan. 7, 1794, c. 52 § 2.

2. To such of the troops as are or may be employed on the frontiers, and under such special circumstances as, in the opinion of the President of the U. S. may require an augmentation of some parts of their rations, the President may direct such augmentation as he may judge necessary, not exceeding 4 ounces of beef, 2 ounces of flour, and half a gill of rum or whiskey, in addition to each ration, and half a pint of salt to 100 rations. *ibid.* § 3.

3. The number of 764 non-commissioned officers, privates and artificers, to serve as privates and musicians, shall be engaged for the term of 3 years, by voluntary enlistments; and the proper proportion of commissioned officers shall be appointed to command the same. May 9, 1794, c. 24, § 1.

4. The aforesaid commissioned and non-commissioned officers, privates, artificers and musicians, shall be incorporated with the corps of artillery now in the service of the U. S. and denominated the corps of artillerists and engineers, and the entire number of the said corps, exclusively of the commissioned officers shall be 992. *ibid.* § 2.

5. The organization of the said corps shall be as herein mentioned, to wit: One lieutenant-colonel commandant, 1 adjutant, 1 surgeon; 4 battalions, each to consist of 1 major, 1 adjutant, and paymaster, and 1 surgeon's mate; and 4 companies, each to consist of 1 captain, 2 lieutenants, 2 cadets with the pay, cloathing and rations of a serjeant, 4 serjeants, 4 corporals, 42 privates, fappers and miners, and 10 artificers to serve as privates, and 2 musicians. *ibid.* § 3.

6. The additional commissioned officers, non-commissioned officers, privates, artificers and musicians. by this act directed to be raised, shall receive the same pay and allowances, in all respects, as the troops already in the service of the U. S. and they shall also be governed by the same rules and articles of war, which have been, or may be, by law established. *ibid.* § 4.

7. It shall be the duty of the Secretary of War, to provide, at the public expense, under such regulations as shall be directed by the President of the U. S. the necessary books, instruments and apparatus, for the use and benefit of the said corps. *ibid.* § 5.

8. The President of the U. S. shall cause such proportions of the said corps to serve in the field, on the frontiers, or in the fortifications of the sea-coast, as he shall deem consistent with the public service. *ibid.* § 6.

9. The Military establishment of the U. S. after the last day of Oct. next, shall be composed of the corps of artillerists and engineers, as established by the act providing for raising and organizing a corps of artillerists and engineers; 2 companies of light dragoons, who shall do duty on horse or foot, at the discretion of the

President of the U. S. and 4 regiments of infantry, of 8 companies each; the company of dragoons shall consist of 1 captain, 2 lieutenants, 1 cornet, 4 serjeants, 4 corporals, 1 farrier, 1 saddler, 1 trumpeter, and 52 privates; and shall be armed and accoutred in such manner as the President of the U. S. may direct. May 30, 1796, c. 39, § 1.

10. The President of the U. S. shall cause to be arranged, the officers, non-commissioned officers, privates and musicians of the legion of the U. S. and light dragoons, in such manner, as to form and complete out of the same, the 4 regiments aforesaid, and 2 companies of light dragoons: And the supernumerary officers, privates and musicians shall be considered, after the last day of Oct. next, discharged from the service of the U. S. *ibid.* § 4.

11. The corps of artilleryists and engineers shall be completed, conformably to the act of the 8th May, 1794, establishing the same, and prescribing the number and term of enlistments, and the method of organization. *ibid.* § 5.

12. Every person, who shall procure or entice a soldier in the service of the U. S. to desert, or who shall purchase from any soldier, his arms, uniform cloathing, or any part thereof; and every captain or commanding officer of any ship or vessel, who shall enter on board such ship or vessel, as 1 of his crew, knowing him to have deserted or otherwise carry away any such soldier, or shall refuse to deliver him up to the orders of his commanding officer, shall, upon legal conviction, be fined, at the discretion of the court, in any sum not exceeding 300 dollars, or be imprisoned, for any term not exceeding 1 year. *ibid.* § 15.

13. If any non-commissioned officer, musician or private, shall desert from the service of the U. S. he shall in addition to the penalties mentioned in the rules and articles of war, be liable to serve, for and during such a period, as shall, with the time he may have served, previous to his desertion, amount to the full term of his enlistment, and such soldier shall and may be tried and sentenced by a regimental, or garrison court-martial, although the term of his enlistment may have elapsed, previous to his being apprehended or tried. *ibid.* § 17.

14. The sentences of general courts-martial, in time of peace, extending to the loss of life, the dimission of a commissioned officer; or which shall, either in time of peace or war, respect a general officer, shall, with the whole of the proceedings in such cases, respectively, be laid before the President of the U. S. who shall direct the same to be carried into execution, or otherwise as he shall judge proper. *ibid.* § 18.

15. If any officer, non-commissioned officer, private or musician aforesaid, shall be wounded or disabled, while in the line of his duty, in public service, he shall be placed on the list of the invalids of the U. S. at such rate of pay, and under such regulations, as shall be directed by the President of the U. S. *Provided*, that the rate of compensation to be allowed for such wounds or disabilities, to a commissioned officer, shall never exceed for the highest disa-

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bility, half the monthly pay of such officer, at the time of his being so disabled or wounded; and the rate of compensation to non-commissioned officers, privates and musicians, shall never exceed 5 dollars per month: *And provided also*, that all inferior disabilities shall entitle the person so disabled, to receive an allowance proportionate to the highest disability. *ibid.* § 19.

16. The officers, non commissioned officers, privates and musicians aforesaid, shall be governed by the rules and articles of war, which have been established by the U. S. in Congress assembled, [except so much of the same as is by this act altered or amended] as far as the same may be applicable to the constitution of the U. S. or by such rules and articles, as may hereafter by law be established. *ibid.* § 20.

17. Every officer, non-commissioned officer, private and musician aforesaid, shall take and subscribe the following oath or affirmation, to wit: "I, A. B. do solemnly swear, or affirm [as the case may be] to bear true allegiance to the United States of America, and to serve them honestly and faithfully, against their enemies or opposers whomsoever, and to observe and obey the orders of the President of the United States, and the orders of the officers appointed over me, according to the rules and articles of war." *ibid.* § 21.

18. So much of any act or acts, now in force, as comes within the purview of this act, shall be repealed; saving, nevertheless, such parts thereof, as relate to the enlistments or term of service of any of the troops, which, by this act, are continued on the present military establishment of the U. S. *ibid.* § 22.

19. The general staff, as authorized by this act, shall continue in service until the 4th day of next March, and no longer. *ibid.* § 22

20. The 3rd § of the act, passed the 30th May, 1796, intituled, "An act to ascertain and fix the military establishment of the U. S." together with all other parts thereof, which relate to provision made for by the Major General and his staff, is repealed: & all such parts of the said act, together with so much of the 23rd §, as may be construed to affect the Brigadier, and the whole of the 11th § of the said act, are repealed, March 3 1797. c. 70 § 1.

21. There shall be one Brigadier-General, who may choose his brigade-major and inspector, to each of whom, there shall be allowed the monthly pay of 25 dollars, in addition to his pay in the line, and two rations extraordinary, per day; and whenever forage shall not be furnished by the public, to 10 dollars per month in lieu thereof. There shall be one judge-advocate, who shall be taken from the commissioned officers of the line, and shall be entitled to receive 2 rations extra, per day, and 25 dollars per month, in addition to his pay in the line; and whenever forage shall not be furnished by the public, to 10 dollars per month, in lieu thereof. *ibid.* § 2.

22. To the brigadier, while commander in chief, and to each officer, while commanding a separate post, there shall be allowed

twice the number of rations to which they would otherwise be entitled. *ibid.* § 4.

23. To each commissioned officer, who may have been deranged under the act "to ascertain and fix the military establishment of the U. S." there shall be paid the amount of 6 months pay and subsistence. *ibid.* § 6.

24. An additional regiment of artilleryists and engineers shall and may be engaged, by voluntary enlistments, to serve for the term of 5 years, unless sooner discharged, and to be organized as follows; that is to say, : There shall be 1 Lieutenant Colonel Commandant, 1 adjutant, 1 surgeon and 3 battalions, each to consist of 1 major, 1 adjutant and paymaster, one surgeon's mate, and 4 companies, of 1 captain, 2 lieutenants, 2 cadets, with the pay, clothing and rations of a serjeant, 4 serjeants, 4 corporals, 42 privates, fappers and miners, 10 artificers to serve as privates, and 2 musicians, in each company. April 27, 1798, c. 50, § 1.

25. The additional regiment which shall be raised pursuant to this act, shall be considered as a part of the military establishment of the U. S. for the time being; and the commissioned officers, non-commissioned officers, privates, artificers and musicians, who shall engage in the said regiment, shall be entitled to the same bounty, pay and allowances, respectively, according to their correspondent ranks, as are, or shall be, by law, authorized and provided for the other parts of the same establishment, and shall be governed by the same rules and articles of war, and shall be armed and accoutred, in such manner as the President of the U. S. shall direct, and shall and may be employed by him, in detachments or otherwise, in the field, or the fortifications upon the sea-coast, as in his opinion, the public service shall require. *ibid.* § 2.

26. The Secretary of War shall provide, at the public expence, under the direction of the president of the U. S. all necessary books, instruments and apparatus, for the use of the said regiments. *ibid.* § 3.

27. The Brigadier General who is now, or may hereafter be in the service of the U. S. is authorized to chuse his brigade-major and inspector, or either of them, from the commissioned officers in the line of the army, and so much of the 2nd § of the act, intituled "An act to amend and repeal, in part, the act, intituled "An act to ascertain and fix the military establishment of the U. S." as confirms the choice of brigade-major and inspector to the captains and subalterns of the line, is hereby repealed. May 22, 1798, c. 63, § 1.

28. After the passing of this act, each regiment of infantry in the army of the U. S. shall consist of 1 lieutenant-colonel commandant, 2 majors, 1 adjutant, 1 pay-master, 1 quarter-master, 1 surgeon, 2 surgeon's mates, 10 captains, 10 lieutenants, 10 ensigns, 1 serjeant major, 1 quarter-master serjeant, 2 senior musicians, 40 serjeants, 40 corporals, 20 musicians, and 600 privates; and the several regiments of infantry now in the service of the U. S. shall

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be augmented accordingly : *Provided*, That the President of the U. S. may, in his discretion, appoint and distribute such additional number of surgeon's mates, and for such length of time, as the exigencies of the service may require. July 16, 1798, c. 93, § 1.

29. The President of the U. S. is authorized to raise, in addition to the present military establishment, 12 regiments of infantry, and 6 troops of light dragoons, to be enlisted for and during the continuance of the existing differences between the U. S. and the French Republic, unless sooner discharged ; and the said 6 troops, together with the 2 troops of dragoons now in service, shall be formed into a regiment, and there shall be appointed thereto 1 lieutenant-colonel commandant, 2 majors, 1 adjutant, 1 pay-master, 1 quarter-master, 1 serjeant-major, and 1 quarter-master-serjeant, whose pay & emoluments, as well as those of the cornets respectively shall be the same as are by law allowed to officers of the same grades in the infantry. *ibid.* § 2.

30 There shall be 2 major-generals, with 2 aids-de-camp each ; 1 inspector general, with the rank, pay and emoluments of a major-general, and 2 aids-de-camp ; 3 brigadier-generals, in addition to the present establishment ; 2 assistant inspectors (who shall be taken from the line of the army ; ) 1 adjutant-general, with 1 or more assistant or assistants (to be taken from the line of the army ; ) and 4 chaplains. *ibid.* § 3.

31. The adjutant-general shall be entitled to the rank, pay and emoluments of a brigadier-general ; each chaplain to the pay and emoluments of a major. *ibid.* § 4.

32. The President of the U. S. is authorized to appoint a number, not exceeding 4, teachers of the arts and sciences necessary for the instruction of the artillerists and engineers, who shall be entitled to the monthly pay of 50 dollars, and 2 rations per day. *ibid.* § 7.

33. The officers, non-commissioned officers, musicians and privates raised by virtue of this act, shall take and subscribe the oath (See art. 17.) or affirmation prescribed by the law, intituled, "An act to ascertain and fix the military establishment of the U. S." and they shall be governed by the rules and articles of war, which have been or may be established by law, and shall be entitled to the legal emoluments in case of wounds or disabilities received while in actual service, and in the line of duty. And in recess of Senate, the President of the U. S. is hereby authorized to appoint all the regimental officers proper to be appointed under this act, and likewise to make appointments to fill any vacancies in the army, which may have happened during the present session of the Senate. *ibid.* § 8.

34. There shall be appointed an inspector of the artillery, taken from the line of artillerists and engineers, who shall be allowed 20 dollars per month in addition to his pay in the line, and 4 rations of provisions for his daily subsistence, and whenever forage shall not be furnished by the public he shall be allowed 10 dollars per month instead thereof. *ibid.* § 9.



35. It shall be lawful for the President of the U. S. in case war shall break out between the U. S. and a foreign European power, or in case imminent danger of invasion of their territory by any such power shall, in his opinion, be discovered to exist, to organize and cause to be raised, in addition to the other military force of the U. S. 24 regiments of infantry, a regiment and a battalion of riflemen, a battalion of artillery and engineers, & 3 regiments of cavalry, or such part thereof as he shall judge necessary; the non commissioned officers and privates of which to be enlisted for a term not exceeding 3 years, and to be entitled each to a bounty of 10 dollars—one half to be paid at the time of enlistment, and the remainder at the time of joining the regiment, to which they may belong. March 2, 1799, c. 137, § 1.

36. The President of the U. S. is authorized, whenever it shall appear to him expedient, if during the session of the Senate, with their advice and consent, if, in their recess, alone, to appoint and commission all officers for the said troops, agreeably to the rules and regulations prescribed by law for the military establishment: *Provided*, That the general and field officers who may be appointed in the recess of the Senate, shall, at the next meeting thereof, be nominated and submitted to them for their advice and consent. *ibid.* § 2.

37. The officers, non-commissioned officers and privates of the troops, which may be organized and raised pursuant to this act, shall be entitled to the like pay, cloathing, rations, forage and other emoluments, and to the like compensation in case of disability by wounds or otherwise, incurred in the service, as the officers, non-commissioned officers, and privates of other troops of correspondent denominations, composing the army of the U. S. and with them shall be subject to the rules and articles of war, and to all other regulations for the discipline and government of the army. *Provided*, That no officer, except captains and subalterns who may be employed in the recruiting service, shall be entitled to any pay or other emolument until he shall be called into actual service. *ibid.* § 3.

38. The laws of the U. S. respecting the regulations and emoluments of recruiting officers, punishment of persons who shall procure or entice a soldier to desert, or shall purchase his arms, uniform, cloathing, or any part thereof, and the punishment of every commanding officer of every ship or vessel who shall receive on board his ship or vessel, as one of his crew, knowing him to have deserted, or otherwise carry away any soldier, or refuse to deliver him up to the orders of his commanding officer; and the law respecting the oath or affirmation to be taken by officers, non-commissioned officers, musicians and privates: and respecting the inserting of conditions in the enlistments; and all other laws respecting the military establishment of the U. S. excepting in such cases where different and specific regulations are made by this act, shall be in force, and apply to all persons, matters and things

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within the intent and meaning of this act, in the same manner as they would were they inserted at large in the same. *ibid.* § 4.

39. It shall be lawful for the President of the U. S. at his discretion, to discharge the whole or any part of the troops which may be raised by virtue of this act, whensoever he shall think fit. *ibid.* § 5.

40. The President of the U. S. is authorized to organize all such companies of volunteers, as have been or shall be accepted by him, pursuant to the act, entitled "An act authorizing the President of the U. S. to raise a provisional army," into regiments, brigades and divisions, and to appoint all officers thereof, agreeably to the organization prescribed by law for the army of the U. S. And the said volunteers shall not be compelled to serve out of the state in which they reside, a longer time than 3 months after their arrival at the place of rendezvous. *ibid.* § 6.

41. It shall be lawful for the President of the U. S. to call forth & employ the said volunteers in all the cases, & to effect all the purposes for which he is authorized to call forth & employ the militia by the act, entitled "An act to provide for calling forth the militia, to execute the laws of the union, suppress insurrections, and repel invasions, and to repeal the act now in force for these purposes." *ibid.* § 7.

42. It shall not be lawful for the President of the U. S. to accept a greater number of the said volunteers in any of the states, or territories of the U. S. than is hereinafter apportioned to them respectively; *that is to say*: To New-Hampshire, 3000; to Massachusetts, 10,000; to Rhode-Island, 1000; to Vermont, 2000; to Connecticut, 5000; to New-York, 7000; to New-Jersey, 5000; to Pennsylvania 10,000; to Delaware, 1000; to Maryland, 5000; to Virginia, 10,000; to Kentucky, 1000; to North-Carolina, 7000; to Tennessee, 1000; to South-Carolina, 4000; to Georgia, 1500; to North Western Territory, 1000; and to Mississippi Territory, 500. *ibid.* § 8.

43. For the Execution of this act, if it shall be found necessary to carry it, or any part of it into effect, there shall be appropriated the sum of two millions of dollars, & the President is authorized to borrow, on behalf of the U. S. the said sum, or so much thereof as he shall deem necessary (which the Bank of the U. S. is hereby empowered to lend) and upon such terms and conditions as he shall judge most advantageous to the U. S. *Provided*, That such terms and conditions shall not restrain the U. S. from paying off the sum which may be borrowed, after the expiration of 15 years. *ibid.* § 9.

44. So much as may be necessary of the surplus of the duties on imports and tonnage, beyond the permanent appropriations heretofore charged upon them by law, shall be pledged and appropriated for paying the interest of all such monies as may be borrowed pursuant to this act, according to the terms and conditions on which the loan or loans, respectively, may be effected; and also for paying, by discharging the principal sum or sums

of any such loan or loans, according to the terms and conditions to be fixed as aforesaid. *ibid.* § 10.

45. The powers, by the 1 and 2 § of this act, vested in the President of the U. S. shall cease at the expiration of the session of Congress next ensuing the present, unless they shall be, by some future law continued in force for a longer time. *ibid.* § 11.

46. The President of the U. S. is authorized to make appointments to fill any vacancies in the army which may have happened during the present session of the Senate. March 3, 1799, c. 153.

47. The troops heretofore authorized, and which hereafter may be authorized to be raised, shall be composed and organized as follows, to wit: A regiment of infantry shall consist of 1 lieutenant-colonel commandant, 2 majors, first and second, 1 adjutant, 1 quartermaster, and 1 paymaster, each being a lieutenant, 1 surgeon, and 2 surgeon's mates, 10 captains, 10 first and 10 second lieutenants, besides the 3 lieutenants before mentioned, 10 cadets, 2 serjeant majors, 2 quarter-master serjeants, 2 chief musicians, first and second, 20 other musicians, 40 serjeants, 40 corporals, and 920 privates, which, together, shall form 2 battalions, each battalion of five companies: A regiment of cavalry shall consist of one lieutenant-colonel commandant, 2 majors, a first and second, 1 adjutant, 1 quarter-master, and 1 pay-master, each being a lieutenant; 1 surgeon, and 2 surgeon's mates, 10 captains, 10 first and 10 second lieutenants, besides the 3 lieutenants before mentioned, 10 cadets, 2 serjeant-majors, 2 quarter master serjeants, 2 chief musicians, first and second, 10 other musicians, 40 serjeants, 40 corporals, and 920 privates, including 10 saddlers, 10 blacksmiths, and 10 boot makers: which, together, shall form 5 squadrons, each squadron of 2 companies: A regiment of artillery shall consist of 1 lieutenant-colonel commandant, 4 majors, 1 adjutant, 1 quarter-master, and 1 paymaster, each being a lieutenant, 1 surgeon, and 2 surgeon's mates, 16 captains, 32 lieutenants, besides the 3 lieutenants before mentioned, 32 cadets, 4 serjeant majors, 4 quarter-master serjeants, 64 serjeants, 64 corporals, 1 chief musician, 10 other musicians, 896 privates, including 128 artificers, which together shall form 4 battalions, each battalion of 4 companies. *Provided always*, that the number of privates raised and to be raised for the regiment of cavalry and the regiments of infantry heretofore authorized, shall not exceed the number respectively for which provision hath been heretofore made by law; nor shall the battalion of riflemen, nor the 2 additional troops of cavalry authorized by this act, be raised, until further provision shall be so made, unless war shall break out between the U. S. and some European Prince, Potentate or State, in which case it shall be lawful for the President of the U. S. at his discretion, to cause the said regiments or any of them, to be severally completed to their full establishment. March 3, 1799, c. 15 4, § 1.

48. Every ensign and cornet in the regiments heretofore ap-

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pointed shall be denominated hereafter second lieutenants. *ibid.* § 2

49. The officers, non-commissioned officers and privates hereinafter mentioned, who now are or at any time hereafter may be in the actual service of the U. S. shall be entitled to, and shall receive the following compensations, to wit: a major-general 166 dollars per month and 15 rations of provisions per day, or an equivalent in money, and when forage shall not be furnished by the U. S. the further sum of 20 dollars per month. A brigadier-general, 104 dollars per month, 12 rations per day, or an equivalent in money, and 16 dollars per month for forage when not furnished as aforesaid. A lieutenant colonel commandant, 75 dollars per month, 6 rations per day, or an equivalent in money, and 12 dollars for forage, when not furnished as aforesaid. A major of artillery or cavalry, each 55 dollars per month, 4 rations per day, or an equivalent in money, and 10 dollars per month for forage, when not furnished as aforesaid. A major of infantry 50 dollars per month, and 4 rations per day, or an equivalent in money, and 10 dollars per month for forage, when not furnished as aforesaid. A captain of cavalry 40 dollars per month, 3 rations per day, or an equivalent in money, and 8 dollars per month for forage, when not furnished as aforesaid. A captain of artillery and infantry, 40 dollars per month, and 3 rations per day, or an equivalent in money. A first lieutenant of cavalry 30 dollars per month, 2 rations per day, or an equivalent in money, and 6 dollars per month for forage, when not furnished as aforesaid. Lieutenants of artillery each 30 dollars per month, and 2 rations per day, or an equivalent in money. A second lieutenant of cavalry 25 dollars per month, 2 rations per day, or an equivalent in money, and 6 dollars per month for forage when not furnished as aforesaid. A first lieutenant of infantry 30 dollars per month and 2 rations per day or an equivalent in money. A second lieutenant of infantry 25 dollars per month and 2 rations per day, or an equivalent in money. A regimental surgeon 45 dollars per month, 3 rations per day, or an equivalent in money, and 10 dollars per month for forage when not furnished as aforesaid. A surgeon's mate 30 dollars per month, 2 rations per day or an equivalent in money, and 6 dollars per month for forage, when not furnished as aforesaid. A regimental paymaster, quartermaster and adjutant, in addition to their pay in the line, each 10 dollars, and 6 dollars per month for forage, when not furnished as aforesaid. A cadet of cavalry 10 dollars per month, 2 rations per day, or an equivalent in money, and 6 dollars per month for forage, when not furnished as aforesaid. All other cadets 10 dollars per month and 2 rations per day, or an equivalent in money. A serjeant-major and a quartermaster serjeant each 10 dollars per month. A chief musician 8 dollars per month. A serjeant 8 dollars per month. A corporal 7 dollars per month. A musician 6 dollars per month. An artificer to the infantry and artillery, a farrier, saddler and boot-maker to the dragoons, each 10 dollars

per month. A private soldier 5 dollars per month, and to each of the said non-commissioned officers and privates one ration of provisions per day. *ibid.* § 3.

50. All non-commissioned officers, artificers, privates and musicians, who are and who shall be enlisted, and the non-commissioned officers, artificers, privates and musicians of the militia or other corps, who at any time may be in the actual service of the U. S. shall be exempted during their term of service, from all personal arrests, for any debt or contract. And whenever any non-commissioned officer, artificer, private or musician shall be arrested whether by mesne process, or in execution, contrary to the intent hereof, it shall be the duty of the Judge of the district court of the U. S. and of any court or Judge of a state, who by the laws of such state, are authorized to issue writs of habeas corpus, respectively, on application by an officer, to grant a writ of habeas corpus returnable before himself: and upon due hearing and examination in a summary manner, to discharge the non-commissioned officer, artificer, private or musician from such arrest, taking common bail, if required, in any case upon mesne process, and commit him to the applicant, or some other officer of the same corps. *ibid.* § 4.

51. Each non-commissioned officer, private, artificer and musician, who shall hereafter be enlisted for the army of the U. S. shall be able bodied, and of a size and age suitable for the public service, according to the directions which the President of the U. S. shall and may establish: and shall be entitled to a bounty of 12 dollars: but the payment of 4 dollars thereof shall be deferred until he shall have joined the army: And each commissioned officer who shall be employed in the recruiting service, shall be entitled to receive, for each such non-commissioned officer and private and artificer and for each sufficient musician duly enlisted and mustered, the sum of 2 dollars, the same being in full compensation for his extra expences in the execution of this service. *ibid.* § 5.

52. When any officer shall be detached from a regiment to serve as an aid to a general officer, or as assistant or other inspector, or as an assistant to the quartermaster-general, by whatsoever name, or as an assistant to the adjutant general, by whatsoever name, the place of such officer in his regiment shall be supplied by promotion or new appointment, or both, as may be requisite; but the officer detached shall nevertheless retain his station in his regiment, and shall rank and rise therein, in the same manner as if he had not been detached. *ibid.* § 6.

53. No officer shall be appointed as the inspector of a division, who when appointed shall be of a rank higher than that of major, or as the inspector of a brigade, who when appointed shall be of a rank higher than that of captain, or as the aid of a major-general, who when appointed shall be of a rank higher than that of captain, or as the aid of a brigadier-general, who when appointed, shall be of a rank higher than that of first lieutenant, or as the quartermaster of a division, who when appointed, shall be of a

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rank higher than that of captain, or as the quarter-master of a brigade, who when appointed, shall be of a rank higher than that of first lieutenant, or as an assistant to the adjutant-general, who when appointed shall be of a rank higher than that of captain. *ibid.* § 7.

54. In the ordinary arrangement of the army, 2 regiments of infantry or cavalry shall constitute a brigade, and shall be commanded by a brigadier-general; 2 brigades, a division, and shall be commanded by a major-general. *Provided*, that it shall be in the discretion of the commanding general, to vary this disposition, whenever he shall judge it proper; and provided also, that this act shall not render it necessary to appoint any greater number of general officers than have been heretofore authorised by law, sooner than in the opinion of the President, the military service of the U. S. shall require it. *ibid.* § 8.

55. A commander of the army of the U. S. shall be appointed and commissioned by the style of "General of the Armies of the United States," and the present office and title of Lieutenant-General shall thereafter be abolished. *ibid.* § 9.

56. There shall be a Quartermaster-General of the army of the U. S. who shall be entitled to the rank, pay, emoluments and privileges of a major-general. *ibid.* § 10.

57. It shall be lawful for the President of the U. S. at his discretion, to organize, officer, and raise a battalion of riflemen, to consist of the same number of officers and men, and to be entitled to the same pay and emoluments whatsoever as a battalion of infantry of the line. *ibid.* § 11.

58. To any army of the U. S. other than that in which the quartermaster-general shall serve, there shall be a deputy quartermaster-general, who shall be a field officer, and who, in addition to his other emoluments, shall be entitled to 30 dollars per month, which shall be in full compensation for his extra services and travelling expences, but the provisions of this act are not to affect the present quartermaster-general of the army of the U. S. who in case a quartermaster-general shall be appointed by virtue of this act, is to act as deputy quartermaster-general, and shall hereafter have the rank of lieutenant colonel, and to every division of an army, there shall be a division quartermaster, who, in addition to his other emoluments, shall be entitled to 30 dollars per month, which shall be in full compensation for his extra services and travelling expences; and to every brigade there shall be a brigade quartermaster, who, in addition to his other emoluments, shall be entitled to 24 dollars per month, which shall be in full compensation for his extra services & travelling expences; each of which officers shall be chosen by the quartermaster general, from among the regimental officers. *ibid.* § 12.

59. To any army of the U. S. other than that in which the inspector general shall serve, there shall be a deputy inspector general, who shall be a field officer, and who, in addition to his other



emoluments, shall be entitled to 50 dollars per month, which shall be in full compensation for his extra services and travelling expences; and to every division of an army there shall be a division inspector, who, in addition to his other emoluments, shall be entitled to 20 dollars per month, which shall be in full compensation for his extra services and travelling expences; and to every brigade there shall be a brigade inspector, who in addition to his other emoluments, shall be entitled to 24 dollars per month, which shall be in full compensation for his extra services and travelling expences; each of which officers shall be chosen by the inspector-general from among the regimental officers.—The deputy inspector general to be in every case approved by the general commanding the army to which he shall be annexed. *ibid.* § 13.

60 The adjutant general of the army shall be *ex-officio* assistant inspector general; and every deputy inspector general, shall be *ex-officio* deputy adjutant general, and shall perform the duties of adjutant general in the army to which he shall be annexed. *ibid.* § 14.

61. The paymaster general of the armies of the U. S. shall always quarter at or near the head quarters of the main army, or at such place as the commander in chief shall deem proper; and to the army on the western frontiers and to detachments from the main army intended to act separately for a time, he shall appoint deputy paymasters, who shall account to him for the money advanced to them, and shall each give a bond in the sum of 15,000 dollars, with sufficient sureties for the faithful discharge of their duties respectively, and take an oath faithfully to execute the duties of their offices, and the several regimental paymasters shall also give bond in the sum of 5000 dollars with 1 or more sufficient sureties, and take an oath as aforesaid for the faithful discharge of the duties of their offices respectively, and the paymaster general shall receive 80 dollars per month with the rations and forage of a major in full compensation for his services and travelling expences, and the deputy, in addition to his pay and other emoluments, 30 dollars per month in full compensation for his extra services and travelling expences. *ibid.* § 15.

62 Every major general of the army of the U. S. shall be entitled to two aids to be chosen by himself, each of whom, in addition to his pay and other emoluments in his regiment, shall receive 24 dollars per month, and 10 dollars per month for forage, when not furnished as aforesaid; and every brigadier general of the said army shall be entitled to one aid to be chosen by himself, who, in addition to his pay and other emoluments in his regiment, shall receive 24 dollars per month, and 10 dollars per month for forage when not furnished as aforesaid. *ibid.* § 16.

63. The President of the U. S. is authorized to engage and appoint, distinct from the officers of the corps of artilleryists and engineers, 2 engineers with the rank of lieutenant colonel, and to stipulate and allow to them respectively, such compensations as he shall find necessary and expedient. *ibid.* § 17.

64. An inspector of fortification shall be appointed, whose duties shall be assigned him by the Secretary of War under the direction of the President of the U. S. the compensation to be allowed to the said inspector, if selected from the corps of artillery and engineers, in full for his extra services and travelling expences, shall, besides his pay and emoluments in the corps, be 35 dollars per month, and if he shall not be an officer in the artillery or army, he shall in full compensation for his services and expences be allowed the sum of 75 dollars monthly, and be entitled to the rank of major in the army of the U. S. and in case the said inspector shall be chosen from the corps of artillery and engineers or army of the United States, his place therein shall be supplied by promotion or a new appointment or both, as may be requisite; but he shall nevertheless retain his station in the said corps or army, and shall rank and rise therein, in the same manner as if he had never been appointed to the said office of inspector. *ibid.* § 18.

65. A ration of provisions shall henceforth consist of 18 ounces of bread or flour, or when neither can be obtained, of 1 quart of rice or one and an half pound of sifted or boulded indian meal, 1 pound and a quarter of fresh beef, or 1 pound of salted beef, or three quarters of a pound of salted pork, and when fresh meat is issued, salt at the rate of 2 quarts for every 100 rations, soap at the rate of 4 pounds, and candles at the rate of a pound and a half for every 100 rations. *Provided*, that there shall be no diminution of the ration to which any of the troops now in service may be entitled by the terms of their enlistment. *ibid.* § 19.

66. Every non-commissioned officer, private, artificer, and musician of the artillery and infantry, shall receive annually, the following articles of uniform cloathing, to wit: 1 hat, 1 coat, 1 vest, 2 pair of woollen and 2 pair of linen overalls, 4 pair of shoes, 4 shirts, 4 pair of socks, 1 blanket, 1 stock and clasp, and 1 pair of buckles. *ibid.* § 20.

67. Suitable cloathing shall be provided for the dragoons, adapted to the nature of the service, and conformed as near as may be to the value of the cloathing allowed to the infantry and artillery. *ibid.* § 21.

68. It shall be lawful for the commander in chief of the army, or the commanding officer of any separate detachment or garrison thereof, at his discretion, to cause to be issued, from time to time to the troops under his command out of such supplies as shall have been provided for the purpose, rum, whiskey, or other ardent spirits in quantities not exceeding half a gill to each man per day, excepting in cases of fatigue service, or other extraordinary occasions, and whensoever supplies thereof shall be on hand, there shall be issued to the troops vinegar at the rate of 2 quarts for every 100 rations. *ibid.* § 22.

69. It shall be lawful for the commanding officer of each regiment, whenever it may be necessary, to cause the coats, vests and overalls or breeches, which may from time to time be issued to and for his regiment, to be altered and new made, so as the better to

fit them to the persons respectively for whose use they shall be delivered ; and for defraying the expence of such alteration, to cause to be deducted and applied out of the pay of such persons a sum or sums not exceeding 25 cents for each coat, 8 cents for each vest, and for each pair of overalls or breeches. *ibid.* § 23.

70. It shall be lawful for the Secretary of War, to cause to be provided, in each and every year, all cloathing, camp utensils and equipage, medicines and hospital stores, necessary for the troops and armies of the U. S. for the succeeding year, and for this purpose to make purchases, and enter, or cause to be entered into, all necessary contracts or obligations for effecting the same. *ibid.* § 24.

71. Whenever any officer or soldier shall be discharged from the service, except by way of punishment for an offence, he shall be allowed his pay and rations, or an equivalent in money, for such term of time, as shall be sufficient to travel from the place where he receives his discharge to the place of his residence, computing at the rate of 20 miles to a day. *ibid.* § 25.

72. There shall be allowed to the inspector-general, in addition to his allowance as major-general, and in full compensation for extra services and expences in the execution of his office the sum of 50 dollars per month, and he shall be allowed a secretary to be appointed by himself with the pay and emoluments of a captain. *ibid.* § 26.

73. Every officer in the army of the U. S. whose duty requires him to be on horseback, in time of action, and whose horse shall be killed in battle, shall be allowed a sum not exceeding 200 dollars as a compensation for each horse so killed. May 12, 1796, c. 25, § 1.

74. The provision contained in this act shall have retrospective operation, so far as the 4th March, in the year 1789 : *Provided*, That no person shall receive payment for any horse so killed, until he make satisfactory proof to the Secretary at War, that the horse, for which he claims compensation, was actually killed under such circumstances, as to entitle him to this provision, in all cases, which have heretofore taken place, within one year after the end of the present session of Congress ; and in all cases which may take place hereafter, within one year after such horse shall have been killed. *ibid.* § 2.

75. The proof of the value of such horse shall be, by the affidavit of the quarter-master of the corps, to which the owner may belong, or of 2 other credible witnesses. *ibid.* § 3. See *Marines*.

## Military Stores.

1. **A** SUM not exceeding 800,000 dollars, shall be appropriated, & paid out of any monies not before appropriated, under the direction of the President of the U. S. to purchase, as soon as may



be, a sufficient number of cannon, also a supply of small arms, and of ammunition and military stores, to be deposited, and used, as will be most conducive to the public safety and defence, at the discretion of the President of the U. S. May 4, 1798, c. 55, § 1.

2. The President of the U. S. is hereby authorised, in case he shall find it impracticable to procure by purchase, with certainty and dispatch proportionate to the necessities of the public service, the cannon and arms hereby required, and any considerable part thereof shall be likely to be deficient, to take, by lease, for a term of years, or by sale in fee, to the U. S. 1 or more suitable place or places where cannon or small arms may be advantageously cast and manufactured, and shall and may there establish founderies and armouries for the manufacture of the same, respectively, and shall cause suitable artificers and labourers to be there employed for account of the U. S. and shall and may appoint one or more persons to superintend the said works, under the direction of the department of war. And an account of the expenditures which shall be incurred in forming and employing these establishments, and of the cannon and arms which shall be cast and manufactured therein respectively, shall be laid before the congress of the U. S. at their next session, and annually thereafter, so long as the same shall be continued.

3. The sum of 100,000 dollars shall be appropriated, and paid out of any monies not before appropriated, for the hire, purchase and employ of the said founderies and armouries, respectively, in case such establishments shall be found necessary, as herein before provided. *ibid.* § 3.

4. There shall be provided, at the charge and expence of the U. S. 30,000 stand of arms, which shall be deposited by order of the President of the U. S. at suitable places; for the purpose of being sold to the governments of the respective states, or the militia thereof, under such regulations, and at such prices as the President of the U. S. shall prescribe. July 6, 1798, c. 82, § 1.

5. The President of the U. S. shall cause all or any part of the arms herein directed to be provided and deposited for sale, which shall, at any time, remain unsold to be delivered to the militia, when called into the service of the U. S. proper receipts and security being given for the return of the same. *ibid.* § 2.

6. The monies arising from such sales shall be paid into the treasury of the U. S. and the amount received shall be annually reported to Congress. *ibid.* § 3.

7. For the purpose of carrying this act into effect, the President of the U. S. shall draw from the treasury of the U. S. a sum not exceeding 400,000 dollars. *ibid.* § 4.

## Militia.

1. **E**ACH and every free able-bodied white male-citizen of the respective states, resident therein, who is or shall be of the age of 18 years, and under the age of 45 years, (except as is herein after excepted) shall severally and respectively be enrolled in the militia by the captain or commanding officer of the company, within whose bounds such citizen shall reside, and that within 12 months after the passing of this act. And it shall at all time hereafter be the duty of every such captain or commanding officer of a company to enrol every such citizen, as aforesaid, and also those who shall, from time to time, arrive at the age of 18 years, or being of the age of 18 years and under the age of 45 years (except as before excepted) shall come to reside within his bounds; and shall without delay notify such citizen of the said enrolment, by a proper non-commissioned officer of the company, by whom such notice may be proved. Every citizen so enrolled and notified, shall within 6 months thereafter, provide himself with a good musket or firelock, a sufficient bayonet and belt, 2 spare flints, and a knapsack, a pouch with a box therein to contain not less than 24 cartridges, suited to the bore of his musket or firelock, each cartridge to contain a proper quantity of powder and ball: or with a good rifle, knapsack, shot-pouch and powderhorn, 20 balls suited to the bore of his rifle, and a quarter of a pound of powder; and shall appear, so armed, accoutred and provided, when called out to exercise, or into service, except, that when called out on company days to exercise only, he may appear without a knapsack. The commissioned officers shall severally be armed with a sword or hanger and esponton, and after 5 years from the passing of this act, all muskets for arming the militia as herein required, shall be of bores sufficient for balls of the eighteenth part of a pound. And every citizen so enrolled and providing himself with the arms, ammunition and accoutrements required, as aforesaid, shall hold the same exempted from all suits, distresses, executions or sales, for debt or for the payment of taxes. May 8, 1792, c. 33, § 1.

2. The Vice President of the U. S. the officers, judicial and executive of the government of the U. S. the members of both houses of Congress, and their respective officers; all custom house officers with their clerks; all post officers, and stage drivers, who are employed in the care and conveyance of the mail of the post-office of the U. S. all ferrymen employed at any ferry on the post road; all inspectors of exports; all pilots; all mariners actually employed in the sea-service of any citizen or merchant within the U. S. and all persons who now are or may hereafter be exempted by the laws of the respective states, shall be exempted from militia duty, notwithstanding their being above the age of 18 and under the age of 45 years. *ibid.* § 2.

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3. Within 1 year after the passing of this act, the militia of the respective states shall be arranged into divisions, brigades, regiments, battalions and companies, as the legislature of each state shall direct; and each division, brigade and regiment, shall be numbered at the formation thereof; and a record made of such numbers in the adjutant-general's office in the state; and when in the field or in service in the state, each division, brigade, and regiment shall, respectively, take rank according to their numbers, reckoning the first or lowest number highest in rank. If the same be convenient, each brigade shall consist of 4 regiments; each regiment of 2 battalions; each battalion of 5 companies; each company of 64 privates. The said militia shall be officered by the respective states, as follows: To each division, 1 major-general, and 2 aids-de-camp, with the rank of major; to each brigade, 1 brigadier-general, with 1 brigade-inspector, to serve also as brigade-major, with the rank of a major; to each regiment, 1 lieutenant-colonel commandant; and to each battalion 1 major; to each company 1 captain, 1 lieutenant, 1 ensign, 4 serjeants, 4 corporals, 1 drummer and 1 fifer or bugler. There shall be a regimental staff, to consist of 1 adjutant and 1 quartermaster, to rank as lieutenants; 1 pay master, 1 surgeon, and 1 surgeon's mate; 1 serjeant-major; 1 drum-major; and 1 fife-major. *ibid.* § 3.

4. Out of the militia enrolled, as is herein directed, there shall be formed for each battalion at least 1 company of grenadiers, light infantry or riflemen; and to each division, there shall be at least 1 company of artillery, and 1 troop of horse: there shall be to each company of artillery, 1 captain, 2 lieutenants, 4 serjeants, 4 corporals, 6 gunners, 6 bombardiers, 1 drummer and 1 fifer. The officers to be armed with a sword or hanger, a fusée bayonet & belt, with a cartridge-box to contain 12 cartridges; and each private or matross shall furnish himself with all the equipments of a private in the infantry, until proper ordinance and field artillery is provided. There shall be to each troop of horse, 1 captain, 2 lieutenants, 1 cornet, 4 serjeants, 4 corporals, 1 saddler, 1 farrier, and 1 trumpeter. The commissioned officers to furnish themselves with good horses, of at least 14 hands and an half high, and to be armed with a sword, and pair of pistols, the holsters of which to be covered with bearskin caps. Each dragoon to furnish himself with a serviceable horse, at least 14 hands and an half high, a good saddle, bridle, mail-pillion and valise, holsters, and a breast plate and crupper, a pair of boots and spurs, a pair of pistols, a sabre, and a cartouch-box, to contain 12 cartridges for pistols. Each company of artillery and troop of horse shall be formed of volunteers from the brigade, at the discretion of the commander in chief of the state, not exceeding 1 company of each to a regiment, nor more in number than 1 eleventh part of the infantry, and shall be uniformly clothed in regimentals, to be furnished at their own expence; the colour and fashion to be determined by the brigadier commanding the brigade to which they belong. *ibid.* § 4.



5. Each battalion and regiment shall be provided with the state and regimental colours by the field officers, and each company with a drum and fife or bugle-horn, by the commissioned officers of the company in such manner as the legislature of the respective states shall direct. *ibid.* § 5.

6. There shall be an adjutant-general appointed in each state, whose duty it shall be to distribute all orders from the commander in chief of the state to the several corps; to attend all public reviews when the commander in chief of the state shall review the militia, or any part thereof; to obey all orders from him relative to carrying into execution and perfecting the system of military discipline established by this act; to furnish blank forms of different returns that may be required, and to explain the principles on which they should be made; to receive from the several officers of the different corps throughout the state, returns of the militia under their command, reporting the actual situation of their arms, accoutrements and ammunition, their delinquencies and every other thing which relates to the general advancement of good order and discipline: All which the several officers of the divisions, brigades, regiments and battalions, are hereby required to make in the usual manner, so that the said adjutant-general may be duly furnished therewith. From all which returns, he shall make proper abstracts, and lay the same annually before the commander in chief of the state. *ibid.* § 6.

7. The rules of discipline, approved and established by Congress in their resolution, of the 29th March, 1779, shall be the rules of discipline to be observed by the militia throughout the U. S. except such deviations from the said rules as may be rendered necessary by the requisitions of this act, or by some other unavoidable circumstances. It shall be the duty of the commanding officer at every muster, whether by battalion, regiment or single company, to cause the militia to be exercised and trained agreeably to the said rules of discipline. *ibid.* § 7.

8. All commissioned officers shall take rank according to the date of their commissions; and when 2 of the same grade bear an equal date, then their rank to be determined by lot, to be drawn by them before the commanding officer of the brigade, regiment, battalion, company or detachment. *ibid.* § 8.

9. If any person, whether officer or soldier, belonging to the militia of any state, and called out into the service of the U. S. be wounded or disabled while in actual service, he shall be taken care of and provided for at the public expense. *ibid.* § 9.

10. It shall be the duty of the brigade inspector, to attend the regimental and battalion meetings of the militia composing their several brigades, during the time of their being under arms, to inspect their arms, ammunition and accoutrements; superintend their exercise and manœuvres, and introduce the system of military discipline before described throughout the brigade, agreeable to law, and such orders as they shall, from time to time, receive from the commander in chief of the state; to make returns to the ad-

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adjutant-general of the state, at least once in every year, of the militia of the brigade to which he belongs, reporting therein the actual situation of the arms, accoutrements and ammunition of the several corps, and every other thing which, in his judgment, may relate to the government and the general advancement of good order and military discipline; and the adjutant-general shall make a return of all the militia of the state, to the commander in chief of the said state, and a duplicate of the same to the President of the United States. *ibid.* § 10.

11. Such corps of artillery, cavalry and infantry, as now exist in several of the said states, which by the laws, customs or usages thereof have not been incorporated with, or subject to the general regulations of the militia; shall retain their accustomed privileges, subject, nevertheless, to all other duties required by this act in like manner with the other militia. *ibid.* § 11.

12. After the passing of this act the allowance of bounty, cloathing and pay to the non-commissioned officers, musicians and privates of the infantry artillery and cavalry of the militia of the U. S. when called into actual service, shall be at the rate per month, as follows: Each serjeant-major and quartermaster-serjeant, 9 dollars; each drum and fife-major, 8 dollars, and 33 cents; each serjeant, 8 dollars; each corporal, drummer, fifer and trumpeter, 7 dollars, and 33 cents; each farrier, saddler and artificer (included as a private) 8 dollars; each gunner, bombardier and private 6 dollars and 66 cents. Jan. 2, 1795, c. 74, § 1.

13. In addition to the monthly pay, there shall be allowed to each officer, non-commissioned officer, musician and private of the cavalry, for the use of his horse, arms and accoutrements, and for the risk thereof, except of horses killed in action, 40 cents per day; and to each non-commissioned officer, musician and private, 25 cents per day, in lieu of rations and forage, when they shall provide the same. *ibid.* § 2.

14. Whenever the militia shall be called into the actual service of the U. S. their pay shall be deemed to commence from the day of their appearing at the places of battalion, regimental or brigade rendezvous, allowing to each non-commissioned officer, musician and private soldier, a day's pay and rations, for every 15 miles from his home to such place of rendezvous, and the same allowance for travelling home from the place of discharge. *ibid.* § 3.

15. In addition to the pay heretofore authorised by law, there shall be allowed and paid to the non commissioned officers, musicians and privates of the militia lately called forth into the actual service of the U. S. on an expedition to Fort-Pitt, such sums as shall, with the pay heretofore by law established, be equal to the allowances respectively provided in the 1 and 2 § of this act. *Provided*, That the compensations made by any state, to the militia called forth from such state, shall be deemed to be included in the additional allowance authorised by this act; and such state shall be entitled to receive from the Treasury of the U. S. such

sums as they shall have paid, or allowed to the non-commissioned officers, musicians and privates, over and above the pay heretofore allowed by law, and not exceeding the additional allowance granted by this act. *ibid.* § 4.

16. Whenever the U. S. shall be invaded, or be in imminent danger of invasion from any foreign nation or Indian tribe, it shall be lawful for the President of the U. S. to call forth such number of the militia of the state, or states, most convenient to the place of danger, or scene of action, as he may judge necessary to repel such invasion, & to issue his orders for that purpose, to such officer or officers of the militia, as he shall think proper. And in case of an insurrection in any state, against the government thereof, it shall be lawful for the President of the U. S. on application of the legislature of such state, or of the executive, (when the legislature cannot be convened) to call forth such number of the militia of any other state or states, as may be applied for, as he may judge sufficient to suppress such insurrection. Feb. 28, 1795, c. 101, § 1.

17. Whenever the laws of the U. S. shall be opposed, or the execution thereof obstructed, in any state, by combinations too powerful to be suppressed by the ordinary course of judicial proceedings, or by the powers vested in the marshals by this act, it shall be lawful for the President of the U. S. to call forth the militia of such state, or of any other state or states, as may be necessary to suppress such combinations, and to cause the laws to be duly executed; and the use of militia so to be called forth may be continued, if necessary, until the expiration of 30 days after the commencement of the then next session of Congress. *ibid.* § 2.

18. Whenever it may be necessary, in the judgement of the President to use the military force hereby directed to be called forth, the President shall forthwith, by proclamation, command such insurgents to disperse, and retire peaceably to their respective abode, within a limited time. *ibid.* § 3.

19. The militia employed in the service of the U. S. shall be subject to the same rules and articles of war, as the troops of the U. S. And no officer, non-commissioned officer, or private of the militia, shall be compelled to serve more than 3 months, after his arrival at the place of rendezvous, in any 1 year, nor more than in due rotation with every other able-bodied man of the same rank in the battalion to which he belongs. *ibid.* § 4.

20. Every officer, non-commissioned officer, or private of the militia, who shall fail to obey the orders of the President of the U. S. in any of the cases before recited, shall forfeit a sum not exceeding 1 year's pay, and not less than 1 month's pay, to be determined and adjudged by a court-martial; and such officer shall moreover, be liable to be cashiered by sentence of a court martial, and be incapacitated from holding a commission in the militia, for a term not exceeding 12 months, at the discretion of the said court: And such non-commissioned officers and privates shall be

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liable to be imprisoned, by a like sentence, on failure of payment of the fines adjudged against them, for 1 calendar month, for every \$ dollars of such fine. *ibid.* § 5.

21. Courts martial for the trial of militia shall be composed of militia officers only. *ibid.* § 6.

22. All fines to be assessed, as aforesaid, shall be certified by the presiding officer of the court-martial, before whom the same shall be assessed, to the marshal of the district, in which the delinquent shall reside, or to 1 of his deputies, and also to the supervisor of the revenue of the same district, who shall record the said certificate in a book to be kept for that purpose. The said marshal, or his deputy, shall forthwith proceed to levy the said fines with costs, by distress and sale of the goods and chattels of the delinquent; which costs and the manner of proceeding, with respect to the sale of the goods distrained, shall be agreeable to the laws of the state, in which the same shall be, in other cases of distress. And where any non-commissioned officer or private shall be adjudged to suffer imprisonment, there being no goods or chattels to be found, whereof to levy the said fines, the marshal of the district, or his deputy, may commit such delinquent to gaol, during the term, for which he shall be so adjudged to imprisonment, or until the fine shall be paid, in the same manner, as other persons condemned to fine and imprisonment, at the suit of the U. S. may be committed. *ibid.* § 7.

23. The marshals and their deputies shall pay all such fines by them levied, to the supervisor of the revenue, in the district in which they are collected, within 2 months after they shall have received the same, deducting therefrom, 5 per centum, as a compensation for their trouble; and in case of failure, the same shall be recoverable by action of debt or information, in any court of the U. S. of the district in which such fines shall be levied, having cognizance thereof, to be sued for, prosecuted, & recovered, in the name of the supervisor of the district, with interest and costs. *ibid.* § 8.

24. The marshals of the several districts, and their deputies, shall have the same powers in executing the laws of the U. S. as sheriffs and their deputies, in the several states, have by law, in executing the laws of the respective states. *ibid.* § 9.

25. The act, intitled, "An act to provide for calling forth the militia, to execute the laws of the Union, suppress insurrections, and repel invasions, passed the 2nd May, 1792, is hereby repealed. *ibid.* § 10.

26. An act authorising a detachment from the militia of the U. S. June 24, 1797, c. 4. *this act was continued for one year and to the end of the next session, when it was suffered to expire.*

## Mint.

1. A MINT for the purpose of a national coinage, is established; to be situate and carried on at the seat of the government of

the U. S. for the time being : And for the well conducting of the business of the said mint, there shall be the following officers and persons, namely ; a Director, an Assayer, a Chief Coiner, an Engraver, a Treasurer. April, 2, 1792, c. 16, § 1.

2. The Director of the mint shall employ as many clerks, workmen and servants, as he shall from time to time find necessary, subject to the approbation of the President of the U. S. *ibid.* § 2.

3. The respective functions and duties of the officers above mentioned shall be as follow : The Director of the mint shall have the chief management of the business thereof, and shall superintend all other officers and persons who shall be employed therein. The chief coiner shall cause to be coined all metals which shall be received by him for that purpose, according to such regulations as shall be prescribed by this or any future law. The engraver shall sink and prepare the necessary dies for such coinage, with the proper devices and inscriptions, but it shall be lawful for the functions and duties of chief coiner and engraver to be performed by one person. The treasurer shall receive from the chief coiner all the coins which shall have been struck, and shall pay or deliver them to the persons respectively to whom the same ought to be paid or delivered : He shall moreover receive and safely keep all monies which shall be for the use, maintenance and support of the mint, and shall disburse the same upon warrants signed by the director. *ibid.* § 3.

4. Every officer and clerk of the said mint shall, before he enters upon the execution of his office, take an oath or affirmation before some judge of the U. S. faithfully and diligently to perform the duties thereof. *ibid.* § 4.

5. The said treasurer, previously to entering upon the execution of his office, shall become bound to the U. S. of America, with one or more sureties to the satisfaction of the Secretary of the Treasury, in the sum of 10,000 dollars with condition for the faithful and diligent performance of the duties of his office. *ibid.* § 5.

6. There shall be allowed and paid as compensations for their respective services : To the said director, a yearly salary of 2000 dollars, to the said assayer, a yearly salary of 1500 dollars, to the said chief coiner, a yearly salary of 1500 dollars, to the said engraver, a yearly salary of 1200 dollars, to the said treasurer a yearly salary of 1200 dollars, to each clerk who may be employed, a yearly salary not exceeding 500 dollars, and to the several subordinate workmen and servants, such wages and allowances as are customary and reasonable, according to their respective stations and occupations. *ibid.* § 6.

7. The accounts of the officers and persons employed in and about the said mint and for services performed in relation thereto, and all other accounts concerning the business and administration thereof, shall be adjusted and settled in the treasury department of the U. S. and a quarter yearly account of the receipts and disbursements of the said mint shall be rendered at the said treasury for settlement, according to such forms and regulations as shall

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have been prescribed by that department ; and once in each year a report of the transactions of the said mint, accompanied by an abstract of the settlements which shall have been from time to time made, duly certified by the Comptroller of the Treasury; shall be laid before Congress for their information. *ibid.* § 7.

8. In addition to the authority vested in the President of the U. S. by a resolution of the last session, touching the engaging of artists and the procuring of apparatus for the said mint, the President is hereby authorised to cause to be provided and put in proper condition such buildings, and in such manner as shall appear to him requisite for the purpose of carrying on the business of the said mint; and as well the expences which shall have been incurred pursuant to the said resolution as those which may be incurred in providing and preparing the said buildings, and all other expenses which may hereafter accrue for the maintenance and support of the said mint, and in carrying on the business thereof, over and above the sums which may be received by reason of the rate per centum for coinage herein after mentioned, shall be defrayed from the Treasury of the U. S. out of any monies which from time to time shall be therein, not otherwise appropriated. *ibid.* § 8.

9. There shall be from time to time struck and coined at the said mint, coins of gold, silver and copper, of the following denominations, values and descriptions, viz. EAGLES : each to be of the value of 10 dollars or units, and to contain 247 grains and four eighths of a grain of pure, or 270 grains of standard gold. HALF EAGLES : each to be of the value of 5 dollars, and to contain 123 grains and six eighths of a grain of pure, or 135 grains of standard gold. QUARTER EAGLES : each to be of the value of 2 dollars and a half dollar, and to contain 61 grains and seven eighths of a grain of pure, or 67 grains and four eighths of a grain of standard gold. DOLLARS or UNITS : each to be of the value of a Spanish milled dollar as the same is now current, and to contain 371 grains and four sixteenth parts of a grain of pure, or 416 grains of standard silver. HALF DOLLARS : each to be of half the value of the dollar or unit, and to contain 185 grains and ten sixteenth parts of a grain of pure, or 208 grains of standard silver. QUARTER DOLLARS : each to be of one fourth the value of the dollar or unit, and to contain 92 grains and thirteen sixteenth parts of a grain of pure, or 104 grains of standard silver. DISMES : each to be of the value of one tenth of a dollar or unit, and to contain 37 and two sixteenth parts of a grain of pure, or 41 grains and three fifth parts of a grain of standard silver. HALF DISMES : each to be of the value of one twentieth of a dollar, and to contain 18 grains and nine sixteenth parts of a grain of pure, or 20 grains and four fifth parts of a grain of standard silver. CENTS : each to be of the value of the one hundredth part of a dollar. HALF CENTS : each to be of the value of half a cent. *ibid.* § 9.



10. Upon the said coins respectively there shall be the following devices and legends namely: Upon one side of each of the said coins there shall be an impression emblematic of liberty, with an inscription of the word Liberty, and the year of the coinage; and upon the reverse of each of the gold and silver coins there shall be the figure or representation of an eagle, with this inscription, "UNITED STATES OF AMERICA," and upon the reverse of each of the copper coins, there shall be an inscription which shall express the denomination of the piece, namely, cent or half cent, as the case may require. *ibid.* § 10.

11. The proportional value of gold to silver in all coins which shall by law be current as money within the U. S. shall be as 15 to 1 according to quantity in weight, of pure gold or pure silver; that is to say, every 15 pounds weight of pure silver shall be of equal value in all payments, with 1 pound weight of pure gold, and so in proportion as to any greater or less quantities of the respective metals.

12. The standard for all gold coins of the U. S. shall be 11 parts fine to 1 part alloy; and accordingly 11 parts in 12 of the entire weight of each of the said coins shall consist of pure gold, and the remaining one twelfth part of alloy; and the said alloy shall be composed of silver and copper, in such proportions not exceeding one half silver as shall be found convenient; to be regulated by the Director of the mint, for the time being, with the approbation of the President of the U. S. until further provision shall be made by law. And to the end that the necessary information may be had in order to the making of such further provision, it shall be the duty of the Director of the mint, at the expiration of a year after commencing the operations of the said mint, to report to Congress the practice thereof during the said year, touching the composition of the alloy of the said gold coins the reasons for such practice, and the experiments and observations which shall have been made concerning the effects of different proportions of silver and copper in the said alloy. *ibid.* § 12.

13. The standard for all silver coins of the U. S. shall be 1485 parts fine to 179 parts alloy; and accordingly 1485 parts in 1664 parts of the entire weight of each of the said coins shall consist of pure silver, and the remaining 179 parts of alloy; which alloy shall be wholly of copper. *ibid.* § 13.

14. It shall be lawful for any person or persons to bring to the said mint gold and silver bullion, in order to their being coined; and the bullion so brought shall be there assayed and coined as speedily as may be after the receipt thereof, and free of expence to the person or persons by whom the same shall have been brought. And as soon as the said bullion shall have been coined, the person or persons by whom the same shall have been delivered, shall upon demand receive in lieu thereof coins of the same species of bullion which shall have been so delivered, weight for weight, of the pure gold or pure silver therein contained: *Provided*, That it shall be at the mutual option of the party or

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parties bringing such bullion, and of the director of the said mint, to make an immediate exchange of coins for standard bullion, with a deduction of one half per cent from the weight of the pure gold, or pure silver contained in the said bullion, as an indemnification to the mint for the time which will necessarily be required for coining the said bullion, and for the advance which shall have been so made in coins. And it shall be the duty of the Secretary of the Treasury to furnish the said mint from time to time whenever the state of the treasury will admit thereof, with such sums as may be necessary for effecting the said exchanges, to be replaced as speedily as may be out of the coins which shall have been made of the bullion for which the monies so furnished shall have been exchanged; and the said deduction of one half per cent shall constitute a fund towards defraying the expenses of the said mint. *ibid.* § 14.

15. The bullion which shall be brought as aforesaid to the mint to be coined, shall be coined, and the equivalent thereof in coins rendered, if demanded, in the order in which the said bullion shall have been brought or delivered, giving priority according to priority of delivery only, and without preference to any person or persons; and if any preference shall be given contrary to the direction aforesaid, the officer by whom such undue preference shall be given, shall in each case forfeit and pay 1000 dollars; to be recovered with costs of suit. And to the end that it may be known if such preference shall at any time be given, the assayer or officer to whom the said bullion shall be delivered to be coined, shall give to the person or persons bringing the same, a memorandum in writing under his hand, denoting the weight, fineness and value thereof, together with the day and order of its delivery into the mint. *ibid.* § 15.

16. All the gold and silver coins which shall have been struck at, and issued from the said mint, shall be a lawful tender in all payments whatsoever, those of full weight according to the respective values herein before declared, and those of less than full weight at values proportional to their respective weights *ibid.* § 16.

17. It shall be the duty of the respective officers of the said mint, carefully and faithfully to use their best endeavours that all the gold and silver coins which shall be struck at the said mint shall be, as nearly as may be, conformable to the several standards & weights aforesaid, & that the copper whereof the cents and half cents aforesaid may be composed shall be of good quality. *ibid.* § 17.

18. From every separate mass of standard gold or silver, which shall be made into coins at the said mint, there shall be taken, set apart by the Treasurer and reserved in his custody a certain number of pieces, not less than 3, and once in every year the pieces so set apart and reserved, shall be assayed under the inspection of the Chief Justice of the U. S. the Secretary and Comptroller of the Treasury, the Secretary for the Department of State, & the Attorney General of the U. S. (who are hereby required to attend for that purpose at the said mint, on the last Monday in July in each

year) or under the inspection of any 3 of them, in such manner as they or a majority of them shall direct, and in the presence of the director, assayer and chief coiner of the said mint; and if it shall be found that the gold and silver so assayed, shall not be inferior to their respective standards herein before declared more than 1 part in 144 parts, the officer or officers of the said mint whom it may concern shall be held excusable; but if any greater inferiority shall appear, it shall be certified to the President of the U. S. and the said officer or officers shall be deemed disqualified to hold their respective offices. *ibid.* § 18.

19. If any of the gold or silver coins which shall be struck or coined at the said mint, shall be debased or made worse as to the proportion of fine gold or fine silver therein contained, or shall be of less weight or value than the same ought to be pursuant to the directions of this act, through the default or with the connivance of any of the officers or persons who shall be employed at the said mint, for the purpose of profit or gain, or otherwise with a fraudulent intent, and if any of the said officers or persons shall embezzle any of the metals which shall at any time be committed to their charge for the purpose of being coined, or any of the coins which shall be struck or coined at the said mint, every such officer or person who shall commit any or either of the said offences, shall be deemed guilty of felony, and shall suffer death. *ibid.* § 19.

20. The money of account of the U. S. shall be expressed in dollars or units, dismes or tenths, cents or hundreds, and milles or thousands, a disme being the tenth part of a dollar, a cent the hundredth part of a dollar, a mille the thousandth part of a dollar, and all accounts in the public offices and all proceedings in the courts of the U. S. shall be kept and had in conformity to this regulation. *ibid.* § 20.

21. The director of the mint, with the approbation of the President of the U. S. shall contract for and purchase a quantity of copper, not exceeding 150 tons, and as soon as the needful preparations shall be made, cause the same to be coined at the mint into cents and half cents, pursuant to "the act establishing a mint, and regulating the coins of the United States:" and the said cents and half cents, shall be paid into the treasury of the United States, thence to issue into circulation. May 8, 1792, c. 29. § 1.

22. After the expiration of 6 calendar months from the time when there shall have been paid into the treasury by the said director, in cents and half cents, a sum not less than 50,000 dollars, which time shall forthwith be announced by the treasury in at least 2 gazettes or newspapers, published at the seat of government of the U. S. for the time being, no copper coins or pieces whatsoever, except the said cents and half cents, shall pass current as money, or shall be paid, or offered to be paid or received in payment for any debt, demand, claim, matter or thing whatsoever; and all copper coins or pieces, except the said cents and half cents, which shall be paid or offered to be paid or re-



received in payment contrary to the Prohibition aforesaid, shall be forfeited, and every person by whom any of them shall have been so paid or offered to be paid or received in payment, shall also forfeit the sum of 10 dollars, and the said forfeiture and penalty shall and may be recovered with costs of suit for the benefit of any person or persons by whom information of the incurring thereof shall have been given. *ibid.* § 2.

23. Every cent shall contain 208 grains of copper, and every half cent shall contain 104 grains of copper, and so much of the act, entitled "an act establishing a mint, and regulating the coins of the U. S." as respects the weight of cents and half cents, is repealed. Jan. 14, 1793, c. 2.

24. After the passing this act, it shall be the duty of the treasury of the mint, to receive and give receipts for all metals which may lawfully be brought to the mint to be coined; and for the purpose of ascertaining their respective qualities, shall deliver from every parcel so received, a sufficient number of grains to the assayer, who shall assay all such of them as may require it. And the said treasurer shall from time to time deliver the said metals to the chief coiner to be coined in such quantities as the director of the mint may prescribe. March 3, 1794, c. 4. § 1.

25. The assayer and chief coiner of the mint, previous to entering upon the execution of their respective offices shall each become bound to the U. S. of America with 1 or more sureties to the satisfaction of the secretary of the treasury, the said assayer in the sum of 1000 dollars, and the said chief coiner in the sum of 5000 dollars, with condition for the faithful and diligent performance of the duties of his office. *ibid.* § 2.

26. So much of the act, intitled, "An act establishing a mint and regulating the coins of the U. S." as comes, within the purview of this act, is hereby repealed. *ibid.* § 3.

27. For the better conducting of the business of the mint of the U. S. there shall be an additional officer appointed therein, by the name of the melter and refiner, whose duty shall be to take charge of all copper, and silver or gold bullion, delivered out by the treasurer of the mint after it has been assayed, agreeably to the rules and customs of the mint already directed and established, or which may hereafter be directed and established, by the accounting officers of the treasury, and to reduce the same into bars or ingots fit for the rolling mills, and then to deliver them to the coiner or treasurer, as the director shall judge expedient; and to do and perform all other duties belonging to the office of a melter and refiner, or which shall be ordered by the director of the mint. March 3, 1795, c. 112, § 1.

28. The melter and refiner of the said mint, shall, before he enters upon the execution of his said office, take an oath or affirmation before some judge of the U. S. faithfully and diligently to perform the duties thereof. And also shall become bound to the U. S. of America, with 1 or more sureties, to the satisfaction of the Secretary of the Treasury, in the sum of 6000 dollars, with

condition for the faithful and diligent performance of the several duties of his office. *ibid.* § 2.

29. There shall be allowed and paid to the said melter and refiner of the mint, as a compensation for his services, the yearly salary of 1500 dollars. *ibid.* § 3.

30. The director of the mint is authorized, with the approbation of the President of the U. S. to employ such person as he may judge suitable to discharge the duties of the melter and refiner, until a melter and refiner shall be appointed by the president, by and with the advice of the Senate. *ibid.* § 4.

31. The treasurer of the mint shall retain 2 cents per ounce from every deposit of silver bullion below the standard of the U. S. which hereafter shall be made for the purpose of refining and coining; and 4 cents per ounce from every deposit of gold bullion made as aforesaid, below the standard of the U. S. unless the same shall be so far below the standard as to require the operation of the test; in which case, the treasurer shall retain 6 cents per ounce, which sum so retained shall be accounted for by the said treasurer with the treasury of the U. S. as a compensation for melting and refining the same. *ibid.* § 5.

32. The treasurer of the mint shall not be obliged to receive from any person, for the purpose of refining and coining, any deposit of silver bullion, below the standard of the U. S. in a smaller quantity than 200 ounces; nor a like deposit of gold bullion below the said standard in a smaller quantity than 20 ounces. *ibid.* § 6.

33. After the passing of this act, it shall be lawful for the officers of the mint to give a preference to silver or gold bullion, deposited for coinage, which shall be of the standard of the U. S. so far as respects the coinage of the same, although bullion below the standard, and not yet refined, may have been deposited for coinage, previous thereto, *Provided*, That nothing herein shall justify the officers of the mint, or any one of them, in unnecessarily delaying the refining any silver or gold bullion below standard, that may be deposited, as aforesaid. *ibid.* § 7.

34. The President of the U. S. is hereby authorized, whenever he shall think it for the benefit of the U. S. to reduce the weight of the copper coin of the U. S. *Provided*, such reduction shall not, in the whole, exceed 2 penny weights in each cent, and in the like proportion in a half cent; of which he shall give notice by proclamation, and communicate the same to the then next session of Congress. *ibid.* § 8.

35. It shall be the duty of the Treasurer of the U. S. from time to time, as often as he shall receive copper cents and half cents from the Treasurer of the mint, to send them to the bank or branch banks of the U. S. in each of the states where such bank is established; and where there is no bank established, then to the collector of the principal town in such state (in the proportion of the number of inhabitants of such state) to be by such bank or collector, paid out to the citizens of the state for cash, in sums not less than ten dollars value, and the same shall be done at the

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risk and expence of the U. S. under such regulations as shall be prescribed by the department of the treasury. *ibid.* § 9.

36. There shall be appropriated for the purchase of copper for the further coinage of cents and half cents, a sum equal to the amount of the cents and half cents which shall have been coined at the mint, and delivered to the treasurer of the U. S. subsequent to the 1st Jan. 1796, which sum shall be payable out of any monies in the Treasury not otherwise appropriated. May 27, 1796, c. 33, § 1. *cont. for 2 years and to the end of the next session of Congress thereafter.*

37. From and after the passing of this act, there shall be retained from every deposit in the mint, of gold or silver bullion below the standard of the U. S. such sum as shall be equivalent to the expence incurred in refining the same, and an accurate account of such expence on every deposit shall be kept, and of the sums retained on account of the same, which shall be accounted for by the Treasurer of the mint, to the Treasurer of the U. S. *ibid.* § 2. See *Coins foreign.* art. 4.

## Mississippi Territory.

1. THE President of the U. S. is authorized to appoint three commissioners; any 2 of whom shall have power to adjust and determine with such commissioners as may be appointed under the legislative authority of the state of Georgia, all interfering claims of the U. S. and that state, to territory situate west of the river Chatahouchee, north of the 31st degree of north latitude, and south of the cession made to the U. S. by South-Carolina: And also to receive any proposals for the relinquishment or cession of the whole or any part of the other territory claimed by the state of Georgia, and out of the ordinary jurisdiction thereof. April 7, 1798, c. 45. § 1.

2. All the lands thus ascertained as the property of the U. S. shall be disposed of in such manner as shall be hereafter directed by law, and the nett proceeds thereof shall be applied to the sinking and discharging the public debt of the U. S. in the same manner as the proceeds of the other public lands in the territory north-west of the river Ohio. *ibid.* § 2.

3. All that tract of country bounded on the west by the Mississippi; on the north by a line to be drawn due east from the mouth of the Yamous to the Chatahouchee river; on the east by the river Chatahouchee; and on the south by the 31st degree of north latitude, hereby is constituted 1 district, to be called the Mississippi Territory: And the President of the U. S. is hereby authorized to establish therein a government in all respects similar to that now exercised in the territory north-west of the river Ohio, ex-



cepting and excluding the last article of the ordinance made for the government thereof by the late Congress on the 13th July 1787, and by and with the advice and consent of the Senate, to appoint all the necessary officers therein, who shall respectively receive the same compensations for their services; to be paid in the same manner as by law established for similar officers in the territory north-west of the river Ohio; and the powers, duties and emoluments of a superintendant of Indian affairs for the southern department, shall be united with those of governor: *Provided*, That if the President of the U. S. should find it most expedient to establish this government in the recess of Congress, he shall nevertheless have full power to appoint and commission all officers herein authorized; and their commissions shall continue in force until the end of the session of Congress next ensuing the establishment of the government. *ibid.* § 2.

4. The territory hereby constituted 1 district for the purposes of government, may at the discretion of Congress be hereafter divided into 2 districts, with separate territorial governments in each, similar to that established by this act. *ibid.* § 4.

5. The establishment of this government shall in no respect impair the right of the state of Georgia, or of any person or persons either to the jurisdiction or the soil of the said territory, but the rights and claims of the said state and all persons interested are hereby declared to be as firm and available, as if this act had never been made. *ibid.* § 5.

6. After the establishment of the said government, the people of the aforesaid territory, shall be entitled to and enjoy all and singular the rights, privileges and advantages granted to the people of the territory of the U. S. north-west of the river Ohio, in and by the aforesaid ordinance of the 13th July, 1787, in as full and ample a manner as the same are possessed and enjoyed by the people of the said last mentioned territory. *ibid.* § 6.

7. After the establishment of the aforesaid government, it shall not be lawful for any person or persons to import or bring into the said Mississippi territory, from any port or place, without the limits of the U. S. or to cause or procure to be so imported or brought, or knowingly to aid or assist in so importing or bringing any slave or slaves, and every person so offending, and being thereof convicted before any court within the said territory, having competent jurisdiction, shall forfeit and pay, for each and every slave so imported or brought, 300 dollars; one moiety for the use of the U. S. and the other moiety for the use of any person or persons who shall sue for the same; and every slave, so imported or brought, shall thereupon become entitled to, and receive his or her freedom. *ibid.* § 7.

8. The sum of 10,000 dollars is appropriated, for the purpose of enabling the President of the U. S. to carry into effect the provisions of this act. *ibid.* § 8.

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## Naturalization.

1. ANY alien, being a free white person, may be admitted to become a citizen of the U. S. or any of them, on the following conditions, and not otherwise :

First. He shall have declared on oath or affirmation, before the supreme, superior, district or circuit court of some one of the states, or of the territories north-west or south of the river Ohio, or a circuit or district court of the U. S. 3 years, at least, before his admission, that it was, bona fide, his intention to become a citizen of the U. S. and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whatever, and particularly, by name, the prince, potentate, state or sovereignty whereof such alien may, at the time, be a citizen or subject.

Secondly. He shall, at the time of his application to be admitted, declare on oath or affirmation, before some one of the courts aforesaid, that he has resided within the U. S. 5 years at least, and within the state or territory, where such court is at the time held, 1 year at least, that he will support the constitution of the U. S. and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to every foreign prince, potentate, state or sovereignty whatever, and particularly by name, the prince, potentate, state or sovereignty, whereof he was before a citizen or subject ; which proceedings shall be recorded by the clerk of the court.

Thirdly. The court admitting such alien, shall be satisfied that he has resided within the limits and under the jurisdiction of the U. S. 5 years ; and it shall further appear to their satisfaction, that during that time, he has behaved as a man of a good moral character, attached to the principles of the constitution of the U. S. and well disposed to the good order and happiness of the same.

Fourthly. In case the alien applying to be admitted to citizenship, shall have borne any hereditary title, or been of any of the orders of nobility, in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility, in the court to which his application shall be made ; which renunciation shall be recorded in the said court. Jan. 29, 1795, c. 85, § 1.

2. Provided, that any alien now residing within the limits and under the jurisdiction of the U. S. may be admitted to become a citizen, on his declaring on oath or affirmation, in some one of the courts aforesaid, that he has resided, 2 years at least, within and under the jurisdiction of the same, and 1 year, at least, within the state or territory where such court is at the time held : that he will support the constitution of the U. S. and that he doth absolutely and entirely renounce and abjure all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whatever, and particularly by name, the prince, potentate, state or sovereignty

whereof he was before a citizen or subject; and, moreover, on its appearing to the satisfaction of the court, that during the said term of 2 years, he has behaved as a man of good moral character, attached to the constitution of the U. S. and well disposed to the good order and happiness of the same; and, where the alien applying for admission to citizenship, shall have borne any hereditary title, or been of any of the orders of nobility in the kingdom or state from which he came; on his moreover making in the court, an express renunciation of his title or order of nobility, before he shall be entitled to such admission; all of which proceeding, required in this proviso to be performed in the court, shall be recorded by the clerk thereof. *ibid.* § 2.

3. The children of persons duly naturalized, dwelling within the U. S. and being under the age of 21 years, at the time of such naturalization; and the children of citizens of the U. S. born out of the limits and jurisdiction of the U. S. shall be considered as citizens of the U. S. *Provided*, That the right of citizenship shall not descend to persons, whose fathers have never been resident in the U. S. *Provided, also*, That no person heretofore proscribed by any state, or who has been legally convicted of having joined the army of Great Britain, during the late war, shall be admitted a citizen as aforesaid, without the consent of the legislature of the state, in which such person was proscribed. *ibid.* § 3.

4. The act, intituled, "An act to establish an uniform rule of naturalization," passed the 26 day of March, 1790 is hereby repealed. *ibid.* § 4.

5. No alien shall be admitted to become a citizen of the U. S. or of any state, unless in the manner prescribed by the act, intituled, "An act to establish an uniform rule of naturalization; and to repeal the act heretofore passed on that subject," he shall have declared his intention to become a citizen of the U. S. 5 years at least, before his admission, and shall, at the time of his application to be admitted, declare and prove, to the satisfaction of the court having jurisdiction in the case, that he has resided within the U. S. 14 years, at least, and within the state or territory where or for which such court is at the time held, 5 years, at least, besides conforming to the other declarations, renunciations and proofs, by the said act required, *Provided*, That any alien, who was residing within the limits, and under the jurisdiction of the U. S. before the 29th day of Jan. 1795, may, within 1 year after the passing of this act, and any alien who shall have made the declaration of his intention to become a citizen of the U. S. in conformity to the provisions of the act, intituled, "An act to establish an uniform rule of naturalization, and to repeal the act heretofore passed on that subject," may, within 4 years after having made the declaration aforesaid be admitted to become a citizen, in the manner prescribed by the said act, upon his making proof that he has resided 5 years, at least, within the limits, and under the jurisdiction of the U. S. *And provided also*, That no alien, who shall be a native, citizen, denizen or subject of any nation



or state with whom the U. S. shall be at war, at the time of his application, shall be then admitted to become a citizen of the U. S. June 18, 1798, c. 71, § 1.

6. It shall be the duty of the clerk, or other recording officer of the court before whom a declaration has been, or shall be made, by any alien, of his intention to become a citizen of the U. S. to certify and transmit to the office of the Secretary of State of the U. S. to be there filed and recorded, an abstract of such declaration, in which, when hereafter made, shall be a suitable description of the name, age, nation, residence and occupation, for the time being, of the alien; such certificate to be made in all cases, where the declaration has been or shall be made, before the passing of this act, within 3 months thereafter; and in all other cases, within 2 months after the declaration shall be received by the court. And in all cases hereafter arising, there shall be paid to the clerk, or recording officer as aforesaid, to defray the expense of such abstract and certificate, a fee of 2 dollars; and the clerk or officer to whom such fee shall be paid or tendered, who shall refuse or neglect to make and certify an abstract, as aforesaid, shall forfeit and pay 10 dollars. *ibid.* § 2.

7. In all cases of naturalization heretofore permitted or which shall be permitted, under the laws of the U. S. a certificate shall be made to, and filed in the office of the Secretary of State, containing a copy of the record respecting the alien, and the decree or order of admission by the court before whom the proceedings thereto have been, or shall be had: And it shall be the duty of the clerk or other recording officer of such court, to make and transmit such certificate, in all cases which have already occurred, within three months after the passing of this act; and in all future cases, within 2 months from and after the naturalization of an alien shall be granted by any court competent thereto: And in all future cases, there shall be paid to such clerk or recording officer the sum of 2 dollars, as a fee for such certificate, before the naturalization prayed for, shall be allowed: And the clerk or recording officer, whose duty it shall be, to make and transmit the certificate aforesaid, who shall be convicted of a wilful neglect therein, shall forfeit and pay 10 dollars, for each and every offence. *ibid.* § 3.

8. All white persons, aliens, (accredited foreign ministers, consuls, or agents, their families and domestics excepted) who, after the passing of this act, shall continue to reside, or who shall arrive, or come to reside in any port or place within the territory of the U. S. shall be reported, if free, and of the age of 21 years, by themselves, or being under the age of 21 years, or holden in service, by their parent, guardian, master or mistress in whose care they shall be, to the clerk of the district court of the district, if living within 10 miles of the port or place, in which their residence or arrival shall be, and otherwise, to the collector of such port or place, or some officer or other person there, or nearest thereto, who shall be authorized by the President of the U. S. to

register aliens : And report, as aforesaid, shall be made in all cases of residence, within 6 months from and after the passing of this act, and in all after cases, within 48 hours after the first arrival or coming into the territory of the U. S. and shall ascertain the sex, place of birth, age, nation, place of allegiance or citizenship, condition or occupation, and place of actual or intended residence within the U. S. of the alien or aliens reported, and by whom the report is made. And it shall be the duty of the clerk, or other officer, or person, authorised, who shall receive such report, to record the same in a book to be kept for that purpose, and to grant to the person making the report, and to each individual concerned therein, whenever required, a certificate of such report and registry ; and whenever such report and registry shall be made to, and by any officer or person authorised, as aforesaid, other than the clerk of the district-court, it shall be the duty of such officer, or other person, to certify and transmit, within 3 months thereafter, a transcript of such registry, to the said clerk of the district-court of the district in which the same shall happen ; who shall file the same in his office, and shall enter and transcribe the same in a book to be kept by him, for that purpose. And the clerk, officer or other person authorised to register aliens, shall be entitled to receive, for each report and registry of 1 individual or family of individuals, the sum of 50 cents, and for every certificate of a report and registry, the sum of 50 cents, to be paid by the person making or requiring the same, respectively. And the clerk of the district-court, to whom a return of the registry of any alien, shall have been made, as aforesaid, and the successor of such clerk, and of any other officer or person authorised to register aliens, who shall hold any former registry, shall and may grant certificates thereof, to the same effect as the original register might do. And the clerk of each district-court shall, during 1 year from the passing of this act, make monthly returns to the Department of State, of all aliens registered and returned, as aforesaid, in his office. *ibid.* § 4.

9. Every alien who shall continue to reside, or who shall arrive, as aforesaid, of whom a report is required as aforesaid, who shall refuse or neglect to make such report, and to receive a certificate thereof, shall forfeit and pay the sum of 2 dollars ; and any justice of the peace, or other civil magistrate, who has authority to require surety of the peace, shall and may, on complaint to him made thereof, cause such alien to be brought before him, there to give surety of the peace and good behaviour during his residence within the U. S. or for such term as the justice or other magistrate shall deem reasonable, and until a report and registry of such alien shall be made, and a certificate thereof, received as aforesaid ; and in failure of such surety, such alien shall and may be committed to the common gaol, and shall be there held, until the order which the justice or magistrate shall and may reasonably make, in the premises, shall be performed. And every person, whether alien, or other, having the care of any alien or aliens, under the

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age of 21 years, or of any white alien holden in service, who shall refuse and neglect to make report thereof, as aforesaid, shall forfeit the sum of 2 dollars, for each and every such minor or servant, monthly, and every month, until a report and registry, and a certificate thereof, shall be had, as aforesaid. *ibid.* § 5.

10. In respect to every alien, who shall come to reside within the U. S. after the passing of this act, the time of the registry of such alien shall be taken to be the time when the term of residence within the limits, and under the jurisdiction of the U. S. shall have commenced, in case of an application by such alien, to be admitted a citizen of the U. S. and a certificate of such registry shall be required, in proof of the term of residence, by the court to whom such application shall and may be made. *ibid.* § 6.

11. All and singular the penalties established by this act, may be recovered in the name, and to the use of any person, who will inform and sue for the same, before any judge, justice or court, having jurisdiction in such case, and to the amount of such penalty, respectively. *ibid.* § 7.



## Navy & Naval Armament.

1. THE President of the U. S. is authorised to continue the construction & equipment of two Frigates of 44, & one of 36 guns, any thing in the act, intituled, "An act to provide a naval armament," to the contrary notwithstanding. April 20, 1796 c. 14, § 1.

2. The President of the U. S. is hereby empowered, should he deem it expedient to cause the Frigates, United States, Constitution, and Constellation, to be manned and employed. July 1, 1797, c. 7, § 1, *cont. for 1 year and to the end of the next session.*

3. There shall be employed on board each of the ships of 44 guns, 1 captain, 4 lieutenants, 2 lieutenants of marines, 1 chaplain, 1 surgeon, and 2 surgeons mates; and in the ship of 36 guns, 1 captain, 3 lieutenants, 1 lieutenant of marines, 1 surgeon, and 1 surgeon's mate. *ibid.* § 2.

4. There shall be employed in each of the said ships, the following warrant officers, who shall be appointed by the President of the U. S. to wit: 1 sailing master, 1 purser, 1 boatswain, 1 gunner, 1 sail-maker, 1 carpenter, and 8 midshipmen; and the following petty officers, who shall be appointed by the captains of the ships respectively, in which they are to be employed, viz. 2 master's mates, 1 captain's clerk, 2 boatswain's mates, 1 cockswain, 1 sail-maker's mate, 2 gunner's mates, 1 yeoman of the gun-room, 9 quarter gunners, (and for the two large ships 2 additional quarter gunners) 2 carpenter's mates, 1 armourer, 1 steward, 1 cooper, 1 master-at-arms, and 1 cook. *ibid.* § 3.



5. The crews of each of the ships of 44 guns, shall consist of 150 seamen, 102 midshipmen and ordinary seamen. 3 serjeants, 2 corporals, 1 drum, 1 fife, and 50 marines; and the crew of the ship of 36 guns shall consist of 130 able seamen and midshipmen; 90 ordinary seamen, 2 serjeants, 2 corporals, 1 drum, 1 fife, and 40 marines, over and above the officers herein before mentioned.

6. The pay and subsistence of the respective commissioned and warrant officers, shall be as follows : A captain, 75 dollars per month, and 6 rations per day ; a lieutenant, 40 dollars per month, and 6 rations per day ; a lieutenant of marines, 30 dollars per month, and 2 rations per day ; a chaplain, 40 dollars per month, and 2 rations per day ; a sailing master, 40 dollars per month, and two rations per day ; a surgeon, 50 dollars per month, and 2 rations per day ; a surgeon's mate, 30 dollars per month, and 2 rations per day ; a purser, 40 dollars per month, and 2 rations per day ; a boatswain, 20 dollars per month, and 2 rations per day ; a gunner, 20 dollars per month, and 2 rations per day ; a sail-maker, 20 dollars per month, and 2 rations per day ; a carpenter, 20 dollars per month, and 2 rations per day. *ibid.* § 5.

7. The pay to be allowed to the petty officers, midshipmen, seamen, ordinary seamen and mariners, shall be fixed by the President of the U. S. *Provided*, That the whole sum be given for the whole pay aforefaid, shall not exceed 15,000 dollars per month, and each of the faid persons shall be entitled to 1 ration per day. *ibid.* § 6.

8. The ration shall consist of as follows : Sunday, 1 pound of bread, 1 pound and an half of beef, and half a pint of rice : Monday, 1 pound of bread, 1 pound of pork, half a pint of pease or beans, and 4 ounces of cheese : Tuesday, 1 pound of bread, 1 pound and an half of beef, and 1 pound of potatoes, or turnips and pudding : Wednesday, 1 pound of bread, 2 ounces of butter, or in lieu thereof, 6 ounces of molasses, 4 ounces of cheese, and half a pint of rice : Thursday, 1 pound of bread, 1 pound of pork, and half a pint of pease or beans : Friday, 1 pound of bread, 1 pound of salt fish, 2 ounces of butter, or 1 gill of oil, and 1 pound of potatoes : Saturday, 1 pound of bread, 1 pound of pork, half a pint of pease or beans, and 4 ounces of cheese ; and there shall also be allowed one half pint of distilled spirits per day, or in lieu thereof, 1 quart of beer per day, to each ration. *ibid.* § 7.

9. The officers, non-commissioned officers, seamen, and marines, belonging to the navy of the U. S. shall be governed by the rules for the regulation of the navy heretofore established by the resolution of Congress of the 28th of Nov. 1775, as far as the same may be applicable to the constitution and laws of the U. S. or by such rules and articles as may hereafter be established.

10. The appointment of the officers to the frigates may be made by the President alone in the recess of the Senate; and their commissions, if so appointed, shall continue in force till the ad-

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vice and consent of the Senate can be had thereupon at their next meeting which may happen thereafter. *ibid.* § 9.

11. The seamen and marines shall not be engaged to serve on board the frigates, for a period exceeding 1 year ; but the President may discharge the same sooner if in his judgment their services may be dispensed with. *ibid.* § 10.

12. If any officer, non-commissioned officer, marine or seaman belonging to the navy of the U. S. shall be wounded or disabled while in the line of his duty in public service, he shall be placed on the list of the invalids of the U. S. at such rate of pay, and under such regulations as shall be directed by the President of the U. S. *Provided*, That the rate of compensation to be allowed for such wounds or disabilities to a commissioned or warrant officer shall never exceed for the highest disability half the monthly pay of such officer at the time of his being so disabled or wounded ; and the rate of compensation to non-commissioned officers, marines and seamen, shall never exceed 5 dollars per month : *And provided*, That all inferior disabilities shall entitle the person so disabled to receive an allowance proportionate to the highest disability. *ibid.* § 11.

13. The President of the U. S. is hereby authorized, if circumstances should hereafter arise, which in his opinion may render it expedient to increase the strength of the several revenue-cutters, so that the number of men employed do not exceed 30 (See *art.* 20) marines and seamen to each cutter ; and cause the said revenue cutters to be employed to defend the sea coast, and repel any hostility to their vessels and commerce, within their jurisdiction, having due regard to the duty of the said cutters, in the protection of the revenue. *ibid.* § 12.

14. The President of the U. S. is hereby authorized and empowered, to cause to be built, purchased or hired, a number of vessels, not exceeding 12, nor carrying more than 22 guns each, to be armed, fitted out and manned under his direction. April 27, 1798, c. 48, § 1.

15. The number and grade of the officers to be appointed for the service of the said vessels, shall be fixed by the President of the U. S. as well as the number of men, of which the respective crews shall be composed, who, as well officers as seamen and marines, shall receive the same pay and subsistence, be entitled to the same advantages and compensations, be governed by the same rules and regulations, and be engaged for the same time, and on the same conditions, as by an act of the U. S. passed the 1st of July, 1797, entitled "An act providing a naval armament," is ascertained and established, as fully, as if the particular provisions of that act, having reference thereto, were herein inserted at large. *Provided*, That the President of the U. S. be authorized to cause the term of enlistment of the seamen and marines, to be employed in any vessel of the U. S. to be extended beyond 1 year, if the vessel should then be at sea, and until 10 days after such vessel shall arrive in some convenient port of the U. S. thereafter ; any thing

contained in this act, or in the act intituled "An act providing a naval armament" to the contrary notwithstanding. *ibid.* § 2.

16. The officers of the aforesaid vessels may, during the recess of the Senate, be appointed and commissioned by the President alone. *ibid.* § 3.

The sum of 950,000 dollars is appropriated, for the purpose of carrying the object of this act into effect. *ibid.* § 3.

17. The President of the U. S. is authorised, if the same shall appear to him necessary for the protection of the U. S. to cause a number of small vessels, not exceeding ten, to be built, or purchased, and to be fitted out, manned, armed and equipped as galleys, or otherwise, in the service of the U. S. the officers and men to be on the same pay, and to receive the same subsistence, as officers of the same rank and men are entitled to, in the navy of the U. S. May 4, 1798, c. 56, § 1.

18. The said officers shall be appointed and commissioned by the President of the U. S. alone during the recess of the Senate, and the said galleys or vessels shall be stationed in such parts of the U. S. as he may direct. *ibid.* § 2.

19. There shall be appropriated for the purpose aforesaid, the sum of 80,000 dollars. *ibid.* § 3.

20. It shall be lawful for the President of the U. S. to instruct and direct the commanders of the armed vessels belonging to the U. S. to seize, take and bring into any port of the U. S. to be proceeded against according to the laws of nations, any such armed vessel which shall have committed or which shall be found hovering on the coasts of the U. S. for the purpose of committing depredations on the vessels belonging to citizens thereof: and also to retake any ships or vessels, of any citizen or citizens of the U. S. which may have been captured by any such armed vessel. May 28, 1798, c. 65.

21. The President of the U. S. is hereby authorized, when he shall think fit to increase the strength of any revenue-cutter, for the purposes of defence, against hostilities near the sea coast, to employ on board the same, at his discretion, not exceeding 70 marines and seamen; any thing in the act intituled, "An act providing a naval armament," to the contrary hereof, notwithstanding. June 22, 1798, c. 72, § 1.

22. The President of the U. S. is hereby authorized to fix the degree of rank, and the rate of pay and subsistence, not exceeding what is allowed upon the naval establishment, which shall be granted and allowed to the officers who shall be duly commissioned in the service of the U. S. on board of any small vessel or galley, which shall be fitted out under his orders, pursuant to the act, intituled, "An act to authorize the President of the U. S. to cause to be purchased, or built, a number of small vessels, to be equipped as galleys, or otherwise." *ibid.* § 2.

23. All such armed vessels as may be seized, taken and brought into any port of the U. S. in pursuance of the act, entitled "An act more effectually to protect the commerce and coasts of the

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U. S." with the apparel, guns and appurtenances of such vessels, and the goods and effects, which shall be found on board the same, shall be liable to forfeiture and condemnation, and may be libelled and proceeded against in the district courts of the U. S. for the district into which the same may be brought. *Provided*, that such forfeiture shall not extend to any goods or effects the property of any citizen or person resident within the U. S. and which shall have been before taken by the crew of such captured vessel. June 28, 1798, c. 79, § 1.

24. Whenever any vessel, the property of, or employed by any citizen of the U. S. or person resident therein, or any goods or effects belonging to any such citizen or resident, shall be re-captured by any public armed vessel of the U. S. the same shall be restored to the former owner or owners, upon due proof, he or they paying and allowing, as and for salvage to the re-captors, one-eighth part of the value of such vessel, goods and effects, free of all deduction and expenses. *ibid.* § 2.

25. Whenever any armed vessel, captured and condemned, as aforesaid, shall have been of superior or equal force to the public armed vessel of the U. S. by which such capture shall have been made, the forfeiture shall be and accrue wholly to the captors: and in other cases, one-half thereof shall be to the use of the U. S. and the residue to the captors. And all salvage which shall be allowed and recovered upon any vessel, goods or effects re-captured, and to be restored, as aforesaid, shall belong wholly to the officers and crew of the public armed vessel of the U. S. by which such re-capture shall be made: And the court before whom any condemnation shall be had, as aforesaid, shall and may order the sale of the vessel, goods and effects condemned, to be made at public auction, upon due notice by the marshal of the district in which the same shall be: And all expenses of condemnation and sale, being deducted from the proceeds, the part thereof which shall accrue to the U. S. shall be paid into the public treasury, and the residue, and all allowance, of salvage, as aforesaid, shall be distributed to, and among the officers and crews concerned therein, in the proportions which the President of the U. S. shall direct. *ibid.* § 3.

26. It shall be lawful for the President of the U. S. to cause the officers and crews of the vessels so captured and hostile persons found on board any vessel, which shall be re-captured, as aforesaid, to be confined in any place of safety within the U. S. in such manner as he may think the public interest may require, and all marshals and other officers of the U. S. are hereby required to execute such orders as the President may issue for the said purpose. *ibid.* § 4.

27. The President of the U. S. is authorised to exchange or send away from the U. S. to the dominions of France, as he may deem proper and expedient, all French citizens that have been or may be captured and brought into the U. S. in pursuance of the act, intituled "An act in addition to the act more

effectually to protect the commerce and coasts of the U. S. Feb. 28, 1799, c. 124.

28. The President of the U. S. is authorized to accept the proposals of any persons who shall offer and undertake to complete, provide and deliver, to the U. S. and upon the credit of the U. S. on terms, in his opinion, advantageous or convenient, any vessel or vessels, now building, or to be built within the U. S. of a model and size which he shall approve, and armed and equipped, or suitable to be armed for the public service : And upon the delivery of the vessel or vessels, according to such proposals, or to the acceptance of the President of the U. S. he may cause proper certificates, or other evidence of the debt or obligation of the U. S. incurred thereby, to be made and given at the Treasury Department, and which shall be there registered, to the use and benefit of the persons concerned : *Provided*, That not more than 12 vessels, in addition to those already authorized, shall be procured by virtue hereof : *And provided*, That not more than 6 per cent. per annum, shall be allowed for any credit which shall be given under this act. And all certificates of debt shall be redeemable at the will of Congress. June 30, 1798, c. 81, § 1.

29. The vessels authorized by the act, intituled " An act to provide an additional armament for the further protection of the trade of the U. S. and for other purposes," and those which shall be authorized by this act, shall be procured and accepted according to the following rates, as nearly as may be ; that is to say ; 6 of them not exceeding 18 guns each, and 12 of them not less than 20, or exceeding 24 guns each, and 6 not less than 32 guns each ; and the guns for each vessel, to be of such caliber and weight of metal, as the President of the U. S. shall approve. *ibid.* § 2.

30. The President of the U. S. may, at his discretion, accept of any vessel armed and equipped, or suitable to be armed, of a model, size and force proper for the public service, which any state, body politic or corporate, citizen or citizens of the U. S. shall voluntarily offer and give, for the use of the U. S. to increase the naval armament. *ibid.* § 3.

31. The President of the U. S. is hereby authorized to determine and direct, according to the rate of each vessel which shall be furnished or accepted in pursuance of this act, the rank, pay, and subsistence of the commissioned and warrant officers, who shall be appointed thereto ; and the number of men to be engaged, and the pay to be allowed them, not exceeding the proportionable grades and allowances which are or shall be authorized by law, for the navy of the U. S. And all officers of the said navy, according to their respective ranks, shall be appointed in the manner prescribed by the act, intituled, " An act to provide a naval armament." *ibid.* § 4.

32. The President of the U. S. may, at his discretion; increase or vary the quotas of seamen, landsmen and marines, to be employed on board the frigates, and may permit a proportion of

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boys for them, and the other vessels of the navy of the U. S. according to the exigencies of the public service. *ibid.* § 5.

33. The President of the U. S. is authorized to instruct the commanders of the public armed vessels, which are, or which shall be employed in the service of the U. S. to subdue, seize and take any armed French vessel, which shall be found within the jurisdictional limits of the U. S. or elsewhere, on the high seas, and such captured vessel, with her apparel, guns and appurtenances, and the goods or effects which shall be found on board the same, being French property, shall be brought within some port of the U. S. and shall be duly proceeded against, and condemned as forfeited; and shall accrue, and be distributed, as by law is or shall be provided respecting the captures which shall be made by the public armed vessels of the U. S. July 9, 1798, c. 85, § 1.

34. The President of the U. S. is authorized to grant to the owners of private armed ships and vessels of the U. S. who shall make application therefor, special commissions in the form which he shall direct, and under the seal of the U. S. and such private armed vessel, when duly commissioned, as aforesaid, shall have the same licence and authority for the subduing, seizing and capturing any armed French vessel, and for the re-capture of the vessels, goods and effects of the people of the U. S. as the public armed vessels of the U. S. may by law have; and shall be, in like manner, subject to such instructions as shall be ordered by the President of the U. S. for the regulation of their conduct. And the commissions which shall be granted, as aforesaid, shall be revocable at the pleasure of the President of the U. S. *ibid.* § 2.

35. Every person intending to set forth and employ an armed vessel, and applying for a commission, as aforesaid, shall produce in writing, the name, and a suitable description of the tonnage and force of the vessel, and the name and place of residence of each owner concerned therein, the number of the crew, and the name of the commander, and the 2 officers next in rank, appointed for such vessel; which writing shall be signed by the person or persons making such application, and filed with the Secretary of State, or shall be delivered to any other officer or person who shall be employed to deliver out such commissions, to be by him transmitted to the Secretary of State. *ibid.* § 3.

36. Before any commission, as aforesaid, shall be issued, the owner or owners of the ship or vessel for which the same shall be requested, and the commander thereof, for the time being, shall give bond to the U. S. with at least 2 responsible sureties, not interested in such vessel, in the penal sum of 7000 dollars; or if such vessel be provided with more than 150 men, then in the penal sum of 14,000 dollars; with condition that the owners, and officers and crews who shall be employed on board of such commissioned vessel, shall and will observe the treaties and laws of the U. S. and the instructions which shall be given them for the regulation of their conduct: And will satisfy all damages and injuries which shall be done or committed contrary to the tenor



thereof, by such vessel, during her commission, and to deliver up the same when revoked by the President of the U. S. *ibid.* § 4.

37. All armed French vessels, together with their apparel, guns and appurtenances, and any goods or effects which shall be found on board the same, being French property, and which shall be captured by any private armed vessel or vessels of the U. S. duly commissioned, as aforesaid, shall be forfeited, and shall accrue to the owners thereof, and the officers and crews by whom such captures shall be made; and on due condemnation had, shall be distributed according to any agreement which shall be between them; or in failure of such agreement, then by the discretion of the court before whom such condemnation shall be. *ibid.* § 5.

38. All vessels, goods and effects, the property of any citizen of the U. S. or person resident therein, which shall be re-captured, as aforesaid, shall be restored to the lawful owners, upon payment by them respectively, of a just and reasonable salvage, to be determined by the mutual agreement of the parties concerned, or by the decree of any court of the U. S. having maritime jurisdiction, according to the nature of each case: *Provided*, That such allowance shall not be less than one-eighth, or exceeding one half of the full value of such re-capture, without any deduction. And such salvage shall be distributed to and among the owners, officers and crews of the private armed vessel or vessels entitled thereto according to any agreement which shall be between them; or in case of no agreement, then by the decree of the court who shall determine upon such salvage. *ibid.* § 6.

39. Before breaking bulk of any vessel which shall be captured, as aforesaid, or other disposal or conversion thereof, or of any articles which shall be found on board the same, such capture shall be brought into some port of the U. S. and shall be libelled and proceeded against before the district court of the same district; and if after a due course of proceedings, such capture shall be decreed as forfeited in the district court, or in the circuit court of the same district, in the case of any appeal duly allowed, the same shall be delivered to the owners and captors concerned therein, or shall be publicly sold by the Marshal of the same court, as shall be finally decreed and ordered by the court: And the same court, who shall have final jurisdiction of any libel or complaint of any capture, as aforesaid, shall and may decree restitution, in whole or in part, when the capture and restraint shall have been made without just cause, as aforesaid, and if made without probable cause, or otherwise unreasonably, may order and decree damages and costs to the party injured, and for which the owners, officers and crews of the private armed vessel or vessels by which such unjust capture shall have been made, and also such vessel or vessels shall be answerable and liable. *ibid.* § 7.

40. All French persons and others, who shall be found acting on board any French armed vessel, which shall be captured, or on board of any vessel of the U. S. which shall be re-captured, as aforesaid, shall be reported to the Collector of the port in which

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they shall first arrive, and shall be delivered to the custody of the Marshal, or of some civil or military officer of the U. S. or of any state in or near such port ; who shall take charge for their safe keeping and support, at the expence of the U. S. *ibid.* § 8.

41. The sum of 600,000 dollars shall be appropriated, to enable the President of the U. S. to cause to be built and equipped, 3 ships or vessels, to be of a force not less than 32 guns each, and of the dimensions and model which he shall deem most advantageous for the public service, as part of the additional naval armament authorized by law. July 16, 1798, c. 99, § 1.

42. The timber and other materials belonging to the U. S. proper for building and equipping the ships or vessels aforesaid, remaining in their several dock yards, and elsewhere, may be employed under the direction of the President, in effecting the purposes of this act, or may be otherwise disposed of as he thinks best. *ibid.* § 2.

43. All the vessels in the service of the U. S. mounting 20 guns and upwards, shall be commanded by captains—those not exceeding 18 guns (except galleys, which are to be commanded, as heretofore provided by law) by masters or lieutenants, according to the size of the vessel, to be regulated by the President of the U. S. Feb. 25, 1799, c. 116, § 1.

44. The pay of captains commanding ships of 32 guns and upwards, shall be 100 dollars per month, and 8 rations per day ; of captains commanding ships of 20 and under 32 guns, 75 dollars per month, and 6 rations per day, of a master commandant, 60 dollars per month, and 5 rations per day ; and of lieutenants, who may command the smaller vessels, 50 dollars per month, and 4 rations per day. *ibid.* § 2.

45. Whenever any officers, as aforesaid, shall be employed in the command of a squadron, on separate service, the allowance of rations to such commanding officer shall be doubled during the continuance of such command, and no longer, except in the case of the commanding officer of the navy, whose allowance, while in service, shall always be at the rate of 16 rations per day. *ibid.* § 3.

46. Under the orders of the President of the U. S. and in addition to the naval armament already authorized by law, there shall be built within the U. S. six ships of war, of a size to carry, and which shall be armed with not less than 74 guns each ; and there shall be built or purchased within the U. S. six sloops of war of a size to carry, and which shall be armed with 18 guns each, or not exceeding that force ; all which ships and vessels shall be procured, manned and employed as soon as may be, for the service of the U. S. and in part of the necessary expenditures to be incurred herein, a sum not exceeding one million of dollars, shall be appropriated. Feb. 25, 1799, c. 119, § 1.

46. The President of the U. S. shall be authorized to augment, at his discretion, the force of any ship or vessel, now in the service, or building for the service of the U. S. by allowing an ad-

ditional number of guns and men therein, beyond the established rate, and according to the respective size and capacity of such ship or vessel : And a sum not exceeding 35,000 dollars, shall be appropriated to defray the expense of such augmentation, and shall be paid out of any monies which shall be in the treasury of the U. S. not otherwise appropriated. *ibid.* § 2.

47. The President of the U. S. is hereby authorized to place on the naval establishment, and employ accordingly, all or any of the vessels, which, as revenue cutters, have been increased in force, and employed in the defence of the sea-coast, pursuant to the act, intituled "An act providing a naval armament," and thereupon, the officers and crews of such vessels, may be allowed, at the discretion of the President of the U. S. the pay, subsistence, advantages and compensations, proportionably to the rates of such vessels, and shall be governed by the rules and discipline, which are, or which shall be established for the navy of the U. S. *ibid.* § 3.

48. The President of the U. S. is authorized to direct a sum not exceeding 200,000 dollars, to be paid out of any unappropriated monies in the treasury, to be laid out in the purchase of growing or other timber, or of lands on which timber is growing, suitable for the navy, and to cause the proper measures to be taken to have the same preserved for the future uses of the navy. Feb. 25, 1799, c. 122.

49. The following rules and regulations shall be adopted and put in force, for the government of the navy of the U. S.—  
Art. 1. The commanders of all ships and vessels, belonging to the U. S. are strictly required to shew in themselves a good example of honor and virtue to their officers and men, and to be very vigilant in inspecting the behaviour of all such as are under them, and to discountenance and suppress all dissolute, immoral, and disorderly practices, and also such as are contrary to the rules of discipline and obedience, and to correct those who are guilty of the same, according to the usages of the sea service. 2. The commanders of the ships of the U. S. having on board chaplains, are to take care, that divine service be performed twice a day, and a sermon preached on Sundays, unless bad weather, or other extraordinary accidents prevent. 3. Any person who shall be guilty of profane swearing, or of drunkenness, if a seaman or marine, shall be put in irons until sober, and then flogged if the captain shall think proper—but if an officer, he shall forfeit 2 days pay, or incur such punishment as a court martial shall impose, and as the nature and degree of the offence shall deserve. 4. No commander, for any one offence, shall inflict any punishment upon a seaman or marine beyond 12 lashes upon his bare back with a cat of nine tails, and no other cat shall be made use of on board any ship of war, or other vessel belonging to the U. S.—if the fault shall deserve a greater punishment, he is to apply to the Secretary of the Navy, the commander in chief of the navy, or the commander of a Squadron, in order to the trying of him by a court martial;



and in the mean time he may put him under confinement. 5. The commander is never by his own authority to discharge a commission or warrant officer, nor to punish or strike him, but he may suspend or confine him, and shall report the case to the Secretary of the Navy, or commandant of a Squadron, as soon as he arrives in port, if at sea, or if in port in 10 days, in order that a court martial may decide on the offence. 6. The officer who commands by accident in the captain or commander's absence (unless he be absent for a time by leave) shall not order any correction but confinement, and upon the captain's return on board, he shall then give an account of his reasons for so doing. 7. The captain is to cause the articles of war to be hung up in some public place of the ship, and read to the ship's company once a month.

8. Whenever a captain shall enter or enlist a seaman, he shall take care to enter on his books the time and terms of his entering, in order to his being justly paid. 9. The captain shall, before he sails, make return to the Secretary of the Navy a complete list of all his officers and men, with the time and terms of their entering, and during his cruise or station, shall keep a true account of the desertion or death of any of them, and of the entering of others, and after the expiration of the time for which they were entered, and before any of them are paid off, he shall make return of a complete list of the same, including those who shall remain on board his ship. 10. The men shall, at their request, be furnished with slops that are necessary, by order of the captain, and the amount delivered to each man, shall be regularly returned by the purser, so that the same be slopt out of his pay. 11. All officers not having commissions or warrants, (or appointed commission or warrant officers for the time being) are termed petty, or inferior officers. 12. Whenever any inferior officer, seaman, or other person, be turned over into the ship of a commander other than the one with whom he entered, he is not to be rated on the ship's books, in a worse quality, or lower degree or station, than he served in the ship he was removed from; and for the guide of the captain, he is to demand from the commander of the ship from which such person or persons were turned over, a list, under his hand, of his or their names, and the quality in which he or they served. 13. Any officer, seaman or other person, entitled to wages or prize money, may have the same paid to his assignee, provided the assignment be attested by the captain and the purser; but the captain or commander of every vessel in the service of the U. S. is to discourage his crew from selling any part of their wages or prize money, and never to attest the letter of attorney until he is satisfied that the same is not granted in consideration of money given for the purchase of wages, or shares of prize money.

14. When any officer or other person dies, the captain is forthwith to have his name entered on the books of the ship, in order to the wages being forthwith paid to his executors or administrators. 15. A convenient place shall be set apart for the sick or hurt men, to which they are to be removed with their hammocks and

bedding, when the surgeon shall advise the same to be necessary, and some of the crew shall be appointed to attend them, and keep the place clean;—cradles and buckets with covers, shall be made for their use, if necessary. 16. All ships furnished with fishing tackle, being in such places where fish is to be had, the captain is to employ some of the company in fishing:—The fish to be daily distributed to such persons as are sick, or upon recovery, provided the surgeon recommend it, and the surplus, by turns, amongst the messes of the officers and seamen, gratis, without any deduction of their allowance of provisions on that account. 17. It is left to the discretion of commanders of squadrons, to shorten the allowance of provisions according to the exigence of the service, taking care that the men be punctually paid for the same—the like power is given to captains of ships acting singly, where it is deemed necessary, and if there should be a want of pork, the captain is to order 3 pounds of beef to be issued in lieu of 2 pounds of pork.

18. If any ships of the U. S. shall happen to come into port in want of provisions, the warrant of the commander of the squadron, or of a captain where there is no commander of a squadron present, shall be sufficient to procure the supply of the quantity wanted, from the agent, or navy agent at such port. 19. The captains are frequently to cause to be inspected the condition of the provision, and if the bread proves damp, to have it aired upon the quarter deck, and other convenient places, and in case of the pickle being leaked out of the flesh casks, he is to have new pickle made and put therein, after such casks are repaired.

20. The captain shall cause the purser to secure the cloaths, bedding and other things, of such persons as shall die or be killed, to be delivered to their executors or administrators. 21. All papers, charter-parties, bills of lading, passports, and other writings whatsoever, found on board any ship or ships which shall be taken, shall be carefully preserved and the originals sent to the court of justice for maritime affairs, appointed or to be appointed for judging concerning such prize or prizes, and if any person or persons shall wilfully or negligently destroy or suffer to be destroyed any such paper or papers, he or they so offending shall forfeit his or their share of such prize or prizes, and suffer such other punishment as they shall be judged by a court martial to deserve; and if any person or persons shall embezzle or steal, or take away any cables, anchors, sails or any of the ships furniture, or any of the powder, arms, ammunition, or provisions of any ship belonging to the U. S. or of any prize taken by a ship or ships, aforesaid, or maltreat or steal the effects of any prisoner, he or they so offending shall suffer such punishment as a court martial shall order. 22. When in sight of any ship, ships or other vessels of the enemy, or at such other times as may appear necessary to prepare for an engagement, the captain shall order all things in his ship in a proper posture for fight, and shall, in his own person, and according to his duty, heart on and encourage the inferior officers and men to fight courageously, and

not to behave themselves faintly or cry for quarters, on pain of such punishment as the offence shall appear to deserve for his neglect. 23. Any captain, officer or other person who shall not exert himself, or who shall basely desert his duty or station in the ship, and run away while the enemy is in sight, or in time of action, or shall entice others to do so, shall suffer death, or such other punishment as a court martial shall inflict. 24. Any officer, seaman, mariner or other person who shall disobey the orders of his superior, or begin, excite, cause or join in any mutiny or sedition in the ship to which he belongs, or in any other ship or vessel in the service of the U. S. on any pretence whatsoever, shall suffer death, or such other punishment as a court martial shall direct—and further, any person in any ship or vessel belonging to the service aforesaid, who shall utter any words of sedition and mutiny, or endeavour to make any mutinous assembly on any pretence whatsoever, shall suffer such punishment as a court martial shall inflict. 25. None shall presume to quarrel with or strike his superior officer on pain of such punishment as a court martial shall order to be inflicted. 26. If any person shall apprehend he has just cause of complaint, he shall quietly and decently make the same known to his superior officer, or to the captain, as the case may require, who shall take care that justice be done him.

27. There shall be no quarrelling or fighting between ship mates on board any ship belonging to the U. S. nor shall there be used any reproachful or provoking speeches, tending to make quarrels and disturbances, on pain of imprisonment or of such punishment as the captain, or a court martial shall judge proper to inflict. 28. If any person shall sleep upon his watch, or negligently perform the duty which shall be enjoined him to do, he shall suffer such punishment as the captain, or a court martial shall inflict. 29. All murder shall be punished with death.

30. All robbery and theft, not exceeding 20 dollars, shall be punished at the discretion of the captain, and above that sum as a court martial shall inflict. 31 Any master of arms, or other person of whom the like duty may be required, refusing to receive such prisoner or prisoners, as shall be committed to his charge, or having received them shall suffer him or them to escape, or dismiss them without orders from his captain, the commander in chief of the navy or the commander of a squadron, for so doing, shall suffer in his or their stead as a court martial shall order and direct.

32. The captains, officers and others shall use their utmost endeavours to detect, apprehend, and bring to punishment all offenders, and shall at all times readily assist all officers and others appointed for that purpose, in the discharge of such duty, when it is required, on pain of being proceeded against and punished by a court martial at discretion. 33. If any officer whatsoever, mariner, marine soldier, or other person, belonging to any ship or vessel of war in the service of the U. S. shall give, hold or entertain intelligence, to or with any enemy or rebel, without leave from the government, commander in chief, or in case of a single



ship, from his captain, every such person so offending, and being thereof convicted by the sentence of a court martial, shall be punished with death. 34. If any letter or message from an enemy or a rebel be conveyed to any officer, mariner, marine or other person, belonging to any ship or vessel in the service of the U. S. and the person as aforesaid shall not within 12 hours, having opportunity so to do, acquaint his superior or commander in chief with it; or if any superior officer being acquainted therewith, shall not in convenient time reveal the same to the commander in chief, commander of a squadron or other proper officer, appointed to take cognizance of such offence, every such person so offending, and being convicted thereof, by the sentence of a court martial shall be punished with death, or such other punishment as the nature and degree of the offence shall deserve, and according to the sentence of a court martial. 35. All spies, and all persons whatsoever who shall come or be found in the nature of spies, to bring or deliver any seducing letter or message, from an enemy or rebel, or endeavour to corrupt any captain, officer, mariner, marine or other person in the fleet, to betray his trust, being convicted of any such offence by the sentence of a court martial, shall be punished with death, or such other punishment as the nature and degree of the offence shall deserve, and the court martial shall impose. 36. No person in a fleet, or in a single ship or vessel, shall supply an enemy or rebel with stores, money, victuals, arms, ammunition, or any kind of stores, directly or indirectly, upon pain of death, or such other punishment as a court martial shall think fit to impose, and as the nature and degree of the crime shall deserve. 37. Every person in or belonging to any ship or vessel in the service of the U. S. who shall desert or run away with any vessel or boat, to the enemy or otherwise, or with any effects of the U. S. whatsoever, or yield up the same cowardly or treacherously, shall suffer death, or such other punishment as a court martial shall inflict. 38. The officers and seamen, &c. of all ships appointed for convoy and guard of merchantmen, shall diligently attend upon that charge without delay, according to their instructions, and whosoever shall be faulty therein, shall be punished as a court martial shall direct. 39. If any captain, commander or other officer of any ship or vessel in the service of the U. S. shall receive or permit on board his vessel any goods or merchandise, other than for the sole use of his vessel, except gold, silver or jewels, and except the goods and merchandise of vessels which may be in distress or shipwrecked, or in imminent danger of being shipwrecked, in order to preserve them for the proper owner, without legal orders from the naval department, every person so offending being convicted thereof, by the sentence of a court martial, shall be cashiered, & be forever afterwards rendered incapable to serve in any place or office in the navy service of the U. S. 40. There shall be no wasteful expence of any powder, shot ammunition, or other stores in the vessels belonging to the U. S. nor

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any embezzlement thereof, but the stores and provisions shall be carefully preserved, upon pain of such punishment, to be inflicted upon the offenders, abettors, buyers and receivers, as shall be by a court martial found just in that behalf. 41. Every person in the navy who shall unlawfully burn or set fire to any kind of public property, not then appertaining to an enemy pirate or rebel, being convicted of any such offence by the sentence of a court martial, shall suffer death. 42. Care shall be taken in steering and conducting every ship belonging to the U. S. so that through wilfulness, negligence, or other defaults, no ship be stranded or hazarded, upon pain that such as shall be found guilty therein, be punished as the offence, by a court martial, shall be judged to deserve. 43. Every officer or other person in the navy, who shall knowingly make or sign a false muster, or procure the making or signing thereof, or shall aid or abet in the same, shall be cashiered and rendered incapable of further employment in the navy service of the U. S. and shall forfeit all the pay and subsistence money due to him. 44. Every person guilty of mutiny, desertion or disobedience to his superior officer on shore, acting in the proper line of his duty, shall be tried by a court martial, and suffer the like punishment for every such offence, as if the same had been committed at sea, on board any ship or vessel of war in the service of the U. S. 45. If any person belonging to any ship or vessel of war in the service of the U. S. shall, when on shore, on duty, or otherwise, plunder, abuse, or maltreat any inhabitant, or injure his property in any way, such person shall be punished as a court martial shall direct. 46. All faults, disorders and misdemeanors which shall be committed on board any ship belonging to the U. S. and which are not herein mentioned, shall be punished according to the laws and customs in such cases at sea. 47. No court martial, to be held or appointed by virtue of this act, shall consist of more than 13, nor less than 5 persons, to be composed of such commanders of squadrons, captains and sea lieutenants, as are then and there present, and as are next in seniority to the officer who presides; but no lieutenant shall set on a court martial, held on a captain, or a junior lieutenant on that of a senior. 48. Every member of a court martial shall take the following oath: "I, A. B. do swear, that I will well and truly try and impartially determine the cause of the prisoner now to be tried, according to the rules of the navy of the United States—So help me God." Which oath shall be administered by the president to the other members, and the president himself shall be sworn by the officer next in rank; and as soon as the above oath shall have been administered, the president of the court is required to administer to the judge advocate, or person officiating as such, an oath in the following words:—"I, A. B. do swear, that I will not, upon any account, at any time whatsoever, disclose or discover the vote or opinion of any particular member of this court martial, unless thereto required by an act of Congress—So help me God."

And all the witnesses, before they be admitted to give evidence, shall take the following oath:—"I. A. B. do swear, that the evidence I shall give in the cause now in hearing, shall be the truth, the whole truth, and nothing but the truth—So help me God?"

49. The sentence of a court martial for any capital offence shall not be put in execution, until it be confirmed by the commander in chief of the fleet. And it shall be the duty of the president of every court martial, to transmit to the commander in chief of the fleet, and to the head of the Navy Department, every sentence which shall be given, with a summary of the evidence and proceedings thereon, as soon as may be. 50. The commander in chief of the fleet, for the time being, shall have power to pardon and remit any sentence of death, in consequence of any of the aforementioned articles. March 2, 1799, c. 130, § 1.

50. If any person in the navy service, being called upon to give evidence at any court martial, shall refuse to give his evidence upon oath, or shall prevaricate in his evidence, or behave with contempt to the court, it shall and may be lawful for such court martial to punish such offender by imprisonment, at the discretion of the court; such imprisonment, in no case, to continue longer than 3 months; and all and every person and persons, who shall commit any wilful perjury in any evidence or examination upon oath at such court martial, or who shall corruptly procure or suborn any person to commit such wilful perjury, shall and may be prosecuted in any of the courts of the U. S. by indictment or information. And all and every person, lawfully convicted upon any such indictment or information, shall be punished with such pains and penalties as are inflicted for the like offences by the laws therein provided. *ibid.* § 2.

51. In all cases where the crews of the ships or vessels of the U. S. shall be separated from their vessels, by the latter being wrecked, lost, or destroyed, all the command, power and authority given to the officers of such ships or vessels, shall remain and be in full force as effectually as if such ship or vessel was not so wrecked, lost or destroyed, until they shall be regularly discharged from the service of the U. S. or removed into some other of its said ships, or until a court martial shall be held, to enquire into such loss of the said ship or vessel; and if upon enquiry it shall appear by the sentence of the court martial, that all or any of the officers, seamen, marines, and others of the said ship or vessel, did their utmost to preserve, get off, or recover the said ship or vessel, and after the loss thereof did behave themselves obediently to their superior officers, according to the discipline of the navy, & the said articles and orders herein before established, then all the pay & wages of the said officers and seamen, or such of them as shall have done their duty as aforesaid, shall continue and go on, and be paid to the time of their discharge or death; and every such officer or seaman, who after the wreck or loss of his said ship or vessel, shall act contrary to the discipline of the navy, or the articles herein before established, or any of them, shall be sentenced

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by the said court martial, and be punished, as if the ship to which he did belong was not so wrecked or destroyed. *ibid.* § 3.

52. All the pay and wages of such officers and seamen of any of the ships of the U. S. as are taken by the enemy, and upon enquiry at a court martial, shall appear by the sentence of the said court, to have done their utmost to defend the ship or ships, and since the taking thereof, to have behaved themselves obediently to their superior officers, according to the discipline of the navy, and the said articles and orders, herein before established, shall continue and go on as aforesaid, until they be exchanged and discharged, or until they shall die, whichever may first happen. *Provided*, That persons flying from justice shall be tried and punished for so doing. *ibid.* § 4.

53. All captured national ships or vessels of war shall be the property of the U. S. all other ships or vessels, being of superior force to the vessel making the capture, in men or in guns, shall be the sole property of the captors—and all ships or vessels of inferior force shall be divided equally between the U. S. and the officers and men of the vessel making the capture. *ibid.* § 5.

54. The produce of prizes taken by the ships of the U. S. and bounty for taking the ships of the enemy, shall be proportioned and distributed in the manner following, to wit:—1. To the captain actually on board at the time of taking any prize, being other than public or national vessel, or ship of war, three twentieths of that proportion of the proceeds belonging to the captors. 2. If such captain or captains be under the immediate command of a commander in chief, or commander of a squadron, having a captain on board, such commander in chief, or commander of a squadron, to have one of the said twentieth parts, and the captain taking the prize, the other two twentieth parts. 3. To the sea lieutenants and sailing-master, two twentieths. 4. To marine officers, the surgeon, purser, boatswain, gunner, carpenter, master's mate and chaplain, two twentieths. 5. To midshipmen, surgeon's mates, captain's clerk, clergyman or schoolmaster, boatswain's mates, gunner's mates, carpenter's mates, ship's steward, sail maker, master at arms, armourer, and cockswain, three twentieths. 6. Gunner's yeoman, boatswain's yeoman, quarter masters, quarter gunners, cooper, sail maker's mates, serjeant of marines, corporal of marines, drummer and fifer and extra petty officers, three twentieths. 7. To seamen, ordinary seamen, marines and boys, seven twentieths. 8. Any officer on board having more posts than one, is only entitled to the share belonging to his superior office, according to the regulations aforesaid.

9. Whenever one or more ships of the U. S. are in sight, at the time of any one or more other ships as aforesaid are taking a prize or prizes, or being engaged with an enemy, and they shall all be so in sight, when the enemy shall strike or surrender, they shall share equally, according to the number of guns and men on board of each ship so in sight—but no privateer or armed ship, being in sight of a national ship of war, at the taking of any prize,

shall be entitled to any share in such prize or prizes. 10. Commanders of ships of war taking any prize, are to transmit, as soon as possible, to the naval department, a true list of the officers and men actually on board at the taking of such prize, inserting therein the quality of every person's rating; and the department aforesaid is to examine the said list by the ship's muster book, to see their agreement, and is to grant certificates of the truth of such list transmitted, in order that the agents appointed by the captors, make payment of the shares, agreeably to this act. 11. In order to define the rights and privileges of commanders in chief, commanders of squadrons and captains, in relation to captures—No commander in chief, or commander of a squadron, shall be entitled to receive any share of prizes taken by the ships of war of the U. S. that are not put under his immediate command, nor of such prizes as may have been taken previous to such ship's being placed under his command, and until they have acted under his immediate orders; nor shall a commander in chief, or commander of a squadron, returning home from any station where he had the command, have any share in prizes taken by ships left on such station, after he has got out of the limits of his said command. 12. Captains, sailing specially under orders from the navy department, are clearly to be understood as acting separately from any superior officer. 13. The bounty given by the U. S. on any national ship of war, taken from the enemy and brought into port, shall be for every cannon mounted, carrying a ball of 24 pounds, or upwards, 200 dollars—For every cannon carrying a ball of 18 pounds, 150 dollars—for every cannon carrying a ball of 12 pounds, 100 dollars—and for every cannon carrying a ball of 9 pounds, 75 dollars—for every smaller cannon, 50 dollars—and for every officer and man taken on board, 40 dollars, which sums are to be divided agreeably to the foregoing articles. *ibid.* § 6.

55. For the ships or goods belonging to the citizens of the U. S. or to the citizens or subjects of any nation, in amity with the U. S. if re-taken from the enemy within 24 hours, the owners are to allow one eighth part of the whole value for salvage, if after 24 hours, and under 48, one fifth thereof, if above that and under 96 hours, one third part thereof, and if above that, one half, all of which is to be paid without any deduction whatsoever, agreeable to the articles hereinbefore mentioned. *ibid.* § 7.

56. Every officer, seaman or mariner disabled in the line of his duty, shall be entitled to receive for his own life, and the life of his wife, if a married man, at the time of receiving the wound, one half his monthly pay. *ibid.* § 8.

57. All the money accruing, or which has already accrued from the sale of prizes, shall be and remain forever a fund for the payment of the half pay to the officers and seamen who may be entitled to receive the same—and if the said fund shall be insufficient for this purpose, the public faith is hereby pledged to make up the deficiency—But if it should be more than sufficient, the surplus

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shall be applied as Congress may hereafter direct by law, to the making of further provision for the comfort of the disabled officers, seamen, and mariners, and for such as may not be disabled, who may merit by their bravery, or their long and faithful services, the gratitude of their country. *ibid.* § 9.

58. The said fund shall be under the management and direction of the Secretary of the Navy, the Secretary of the Treasury, and the Secretary at War for the time being, who are hereby authorized to receive all such sums as the U. S. may be entitled to, from the sale of prizes, and to invest the same, and the interest arising therefrom, in such of the 6 per cent or other stock of the U. S. as a majority of them from time to time shall determine to be most advantageous; and it shall be the duty of the said commissioners to lay before Congress, every year, in the first week of their annual meeting, a minute and correct statement of their proceedings, in relation to the management of said fund. *ibid.* § 10.

59. No rules or regulations made by any commander in chief, or captain, in the service of the U. S. for the stationing, designating of duty, and government of the fleet, or any of the crews of any ship of war, shall be at variance with this act, but shall be strictly conformable thereto; and every commander in chief and captain, in making private rules and regulations, and designating the duty of his officers, shall keep in view also the custom and usage of the sea service most common to our nation. *ibid.* § 11.

60. The President of the U. S. is authorized to make appointments to fill any vacancy in the navy, which may have happened during the present session of the Senate. March 3, 1799, c. 133.

## Navy Department.

1. **T**HERE shall be an executive department under the denomination of the department of the navy, the chief officer of which shall be called the Secretary of the Navy, whose duty it shall be, to execute such orders as he shall receive from the President of the U. S. relative to the procurement of naval stores and materials, and the construction, armament, equipment and employment, of vessels of war, as well as all other matters connected with the naval establishment of the U. S. April 30, 1798, c. 52 § 1.

2. A principal clerk and such other clerks as he shall think necessary, shall be appointed by the Secretary of the Navy, who shall be employed in such manner as he shall deem most expedient. In case of vacancy in the office of the Secretary, by removal or otherwise, it shall be the duty of the principal clerk to take the charge and custody of all the books, records and documents of the said office. *ibid.* § 2.



3. The Secretary of the Navy is hereby authorized and empowered immediately after he shall be appointed, and shall enter upon the duties of his office, to take possession of all the records, books and documents, and all other matters and things appertaining to this department, which are now deposited in the office of the Secretary at War. *ibid.* § 3.

4. So much of an act, entitled, "An act to establish an executive department, to be denominated the department of war," as vests any of the powers contemplated by the provisions of this act, in the secretary for the department of war, shall be repealed, from and after the period when the secretary of the navy shall enter on the duties of his office. *ibid.* § 5.

5. All letters and packets to or from the secretary of the navy, shall be received and conveyed by post, free of postage, under the like restrictions and limitations as are provided respecting letters and packets to or from the heads of the other departments of the government by the 19th § of the act, entitled, "An act to establish the Post office and post-roads within the U. S. June 22, 1798, c. 73.

6. There shall be in the department of the navy, an officer to be denominated accountant of the navy, who shall be charged with the settlement of all accounts for monies advanced and stores issued or distributed by or under the direction of the secretary of the navy, and who shall report from time to time, all such settlements as shall have been made by him for money advanced or issued, for the inspection and revision of the accounting officers of the treasury. And all letters and packages to and from said accountant by mail, shall be free of postage. July 15, 1798, c. 102, § 1.

7. The treasurer of the U. S. shall disburse all such money as shall have been previously ordered for the use of the department of the navy, by warrants from the Treasury, which disbursements shall be made pursuant to warrants from the Secretary of the Navy, countersigned by the accountant. *ibid.* § 2.

8. All purchases, and contracts, for supplies or services for the military and naval service of the U. S. shall be made by or under the direction of the chief officers of the departments of war and the navy respectively, and all agents or contractors for supplies or services as aforesaid, shall render their accounts for settlement to the accountant of the proper department for which such supplies or services are required, subject nevertheless to the inspection and revision of the officers of the Treasury in manner before prescribed. *ibid.* § 3.

9. It shall be the duty of the Purveyor of the public supplies, to execute all such orders as he may from time to time receive from the Secretary of War or Secretary of the Navy, relative to the procuring and providing of all kinds of stores and supplies; and shall render his accounts relative thereto to the accountants of the proper departments, which accounts shall be subject to the

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inspection and revision of the officers of the Treasury as aforesaid. *ibid.* § 4.

10. The provisions of the act passed on the 8th May 1792, intituled "An act making alterations in the Treasury and War departments," & the act passed on the 23d Feb. 1795, intituled "An act to establish the office of Purveyor of public supplies," so far as the same are repugnant to this act, are repealed. *ibid.* § 5.

11. All contracts to be made, by virtue of this act, or of any law of the U. S. and requiring the advance of money, or to be in any manner connected with the settlement of public accounts, shall be deposited in the office of the Comptroller of the Treasury of the U. S. within 90 days after their dates, respectively. *ibid.* § 6.

## Oaths, Administration of.

1. **T**HE President of the Senate, the Speaker of the House of Representatives, a chairman of a committee of the whole, or a chairman of a select committee of either House, shall be empowered to administer oaths or affirmations to witnesses, in any case under their examination. May 3, 1798, c. 53, § 1.

2. If any person shall wilfully, absolutely and falsely swear or affirm, touching any matter or thing material to the point in question, whereto he or she shall be thus examined, every person so offending, and being thereof duly convicted, shall be subject to the pains, penalties, and disabilities, which by law are prescribed for the punishment of the crime of wilful and corrupt perjury. *ibid.* § 2. See *Duties on carriages* a. 11. *Duties on spirits distilled &c.* a. 33. *Duties collection of &c.* a. 20, 49, *Insolvent debtors.* a. 2, 5. *Oath of Office.*

## Oath of Office.

1. **T**HE oath or affirmation required by the 6 article of the Constitution of the U. S. shall be administered in the form following, to wit, "I, A. B. do solemnly swear or affirm (as the case may be) that I will support the Constitution of the United States." The said oath or affirmation shall be administered within 3 days after the passing of this act, by any one member of the Senate, to the President of the Senate, and by him to all the members and to the Secretary; and by the Speaker of the House of Representatives, to all the members who have not taken a similar oath, by virtue of a particular resolution of the said House, and to the Clerk: And in case of the absence of any member from the ser-

vice of either House, at the time prescribed for taking the said oath or affirmation, the same shall be administered to such member, when he shall appear to take his seat. June 1, 1789. c. 1, § 1.

2. At the first session of Congress after every general election of Representatives, the oath or affirmation aforesaid, shall be administered by any one member of the House of Representatives to the Speaker; and by him to all the members present, and to the Clerk, previous to entering on any other business; and to the members who shall afterwards appear, previous to taking their seats. The President of the Senate for the time being, shall also administer the said oath or affirmation to each Senator who shall hereafter be elected, previous to his taking his seat: And in any future case of a President of the Senate, who shall not have taken the said oath or affirmation, the same shall be administered to him by any one of the members of the Senate. *ibid.* § 2.

3. The members of the several state legislatures, at the next sessions of the said legislatures respectively, and all executive and judicial officers of the several states, who have been heretofore chosen or appointed, or who shall be chosen or appointed before the 1st August next, and who shall then be in office, shall, within 1 month thereafter, take the same oath or affirmation, except where they shall have taken it before; which may be administered by any person authorized by the law of the state, in which such office shall be holden, to administer oaths. And the members of the several state legislatures, and all executive and judicial officers of the several states, who shall be chosen or appointed after the said 1st August, shall, before they proceed to execute the duties of their respective offices, take the foregoing oath or affirmation, which shall be administered by the person or persons, who by the law of the state shall be authorized to administer the oath of office; and the person or persons so administering the oath hereby required to be taken, shall cause a record or certificate thereof to be made, in the same manner, as by the law of the state, he or they, shall be directed to record or certify the oath of office. *ibid.* § 2.

4. All officers appointed, or hereafter to be appointed under the authority of the U. S. shall, before they act in their respective offices, take the same oath or affirmation, which shall be administered by the person or persons who shall be authorized by law to administer to such officers their respective oaths of office; and such officers shall incur the same penalties in case of failure, as shall be imposed by law in case of failure in taking their respective oaths of office. *ibid.* § 4.

5. The Secretary of the Senate, and the Clerk of the House of Representatives for the time being, shall, at the time of taking the oath or affirmation aforesaid, each take an oath or affirmation, in the words following, to wit; "I, A. B. Secretary of the Senate, or Clerk of the House of Representatives (as the case may be) of the United States of America, do solemnly swear or

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affirm, that I will truly and faithfully discharge the duties of my said office, to the best of my knowledge and abilities. *ibid.* § 5.

6. Each and every clerk and other officer already appointed in any of the departments of the U. S. (and who have not, since their appointment, taken the oath or affirmation hereafter mentioned) shall within 15 days after the passing of this act, and those who shall hereafter be appointed, shall before they enter upon the duties of such appointment, take an oath or affirmation before 1 of the justices of the supreme court, or 1 of the judges of a district court of the U. S. to support the Constitution of the U. S. and also an oath or affirmation, well and faithfully to execute the trust committed to him, which oaths or affirmations, subscribed by such clerk, and certified by the person administering the same, shall be filed in the office of the person employing such clerk. March 3, 1791, c. 18, § 2. See *Constitution*, art. 2, § 1. art. 6. *Debts of the U. S.* a. 12. *Duties on spirits distilled, &c.* a. 3, *Duties, collection of.* a. 20. *Duties on stamps.* a. 15. *Judiciary.* a. 7, 8, 27. *Military establishment.* a. 17, 33. *Mint.* a. 4, 28. *Post-Office.* a. 2.



## Officers compensations & fees.

1. THERE shall be allowed to the judges of the supreme & other courts of the U. S. the yearly compensations herein after mentioned, to wit; to the chief Justice, 4000 dollars; to each of the justices of the supreme court, 3500 dollars; to the judge of the district of Maine, 1000 dollars; to the judge of the district of New Hampshire, 1000 dollars; to the judge of the district of Massachusetts, 1200 dollars; to the judge of the district of Connecticut, 1000 dollars; to the judge of the district of New-York, 1500 dollars; to the judge of the district of New-Jersey, 1000 dollars; to the judge of the district of Pennsylvania, 1600 dollars, to the judge of the district of Delaware, 800 dollars; to the judge of the district of Maryland, 1500 dollars; to the judge of the district of Virginia, 1800 dollars; to the judge of the district of Kentucky, 1000 dollars; to the judge of the district of South-Carolina, 1800 dollars; to the judge of the district of Georgia, 1500 dollars; which compensations shall commence from their respective appointments, and be paid at the treasury of the U. S. in quarterly payments. Sep. 23, 1789, c. 13.

2. There shall be allowed to the President of the U. S. at the rate of 25,000 dollars, with the use of the furniture and other effects, now in his possession, belonging to the U. S. and to the Vice-President, at the rate of 5000 dollars per annum, in full compensation for their respective services, to commence with the time of their entering on the duties of their offices respectively, and to continue so long as they shall remain in office,

and to be paid quarterly out of the treasury of the U. S. Sep. 24, 1789, c. 19. and Feb. 18, 1793, c. 9.

3. The doorkeepers of the Senate and House of Representatives, shall each be allowed a salary of 500 dollars per annum, in full compensation for their services in the said offices, and the assistant doorkeeper to each House shall be allowed in full compensation for all his services, the sum of 450 dollars per annum. And it shall be the duty of the said doorkeepers to do the usual services pertaining to their respective offices during the session of Congress, and in the recess, under the direction of the Secretary of the Senate and Clerk of the House of Representatives, to take care of the apartments occupied by the respective Houses, and provide fuel and other accommodations for their subsequent session. And the said compensations shall be certified and paid in like manner as is provided by law, for the other officers of the Senate and House of Representatives. April 12, 1792, c. 20.

4. From and after the 1st May next, there shall not be taxed or adjudged to any officer or other person, any greater or other fee or reward, for, or in respect of any service to be done or performed in any of the district courts of the U. S. in cases of admiralty or maritime jurisdiction, than such as is herein after specified; that is to say:

*Fees of the Councillor or Attorney in the district court in admiralty and maritime proceedings.*

The stated fee for drawing and exhibiting libel, claim or answer in each cause, 3 dollars; drawing interrogatories 3 dollars; and all other services in any one cause, 3 dollars. March, 1, 1793, c. 20. § 1.

5. *Fees of the clerk of the district court, in admiralty and maritime causes.*

For drawing every stipulation, process, monition or subpoena, for each sheet, containing 90 words, 15 cents. And for engrossing each sheet, 10 cents; entering the return of process, 15 cents; filing every libel, claim, pleading, or other paper, 6 cents; copies of the pleadings, interrogatories, depositions and exhibits, when required, for each sheet of 90 words, 10 cents. Entering each proclamation, 15 cents. Entering each default, 12 cents. Entering every rule of court, 15 cents. Examining each witness, and drawing his deposition, for each sheet containing 90 words, 15 cents. Certifying each exhibit or writing shewn to a witness, at his examination, 25 cents. Drawing every decree, or decretal order, for each sheet containing 90 words, 15 cents. And for entering the same in the minutes, for each sheet, as aforesaid, 10 cents. For drawing a record, or making a copy of the proceedings, for each sheet containing 90 words, 15 cents. But no pleading, deposition, exhibit, or other writing, to be inserted therein verbatim, or in hæc verba, shall be computed as any part of such draft. Entering a record in the register, or engrossing or copying proceedings or records to be sealed or exemplified, for each sheet of 90 words, including all the pleadings, depositions,

exhibits and writings inserted therein, 10 cents. Every certificate, 20 cents. Entering return of appraisement or sales, for each sheet of 90 words, 10 cents. Affixing the seal to any paper, when required, 25 cents. Drawing commission to examine witnesses, for each sheet containing 90 words, 15 cents. And for engrossing the same, if on parchment, including the parchment, 20 cents. And if on paper, for each sheet of 90 words, 10 cents. Swearing each witness in court, 10 cents. For every entry or writing not mentioned or described, such allowance shall be taxed, as for similar services herein mentioned. All money deposited in court, one and quarter per cent. *ibid.* § 2.

6. Fees of the marshal in the district court, in admiralty and maritime causes.

For summoning every witness or appraiser, 15 cents. Making each proclamation, 15 cents. Serving every capias, attachment or summons, 1 dollar and 50 cents. Travelling each mile, going only, either to serve process, or subpoena witnesses, 10 cents. Custody fees of a vessel, for each day, 1 dollar and 50 cents. Sales, for any sum under 500 dollars, two and an half per cent; and for any larger sum, one and a quarter per cent, upon the excess. *ibid.* § 3.

7. There shall be allowed & taxed in the supreme, circuit and district courts of the U. S. in favour of the parties obtaining judgments therein, such compensation for their travel and attendance, and for attorneys and counsellor's fees, except in the district courts in cases of admiralty and maritime jurisdiction, as are allowed in the supreme or superior courts of the respective states. *ibid.* § 4.

8. Continued for one year, and until the end of the next session of Congress. *ibid.* § 5. Further continued by March 31, 1796, c. 11. for two years, and to the end of the next session of Congress thereafter.

9. There shall be allowed to the judges of the districts of Rhode-Island and Delaware, each 200 dollars yearly, in addition to the compensation heretofore allowed, to commence on the first day of the present year, and to be paid at the treasury of the U. S. in quarterly payments. Feb. 27, 1795, c. 100.

10. At every session of Congress, and at every meeting of the Senate in the recess of Congress, and after the 3rd day of March in the present year, each Senator shall be entitled to receive 6 dollars for every day he shall attend the Senate, and shall also be allowed, at the commencement and end of every such session and meeting, 6 dollars for every 20 miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress: And in case any member of the Senate shall be detained by sickness, on his journey to or from any such session or meeting, or after his arrival, shall be unable to attend the Senate, he shall be entitled to the same daily allowance: *Provided*, that no Senator shall be allowed a sum exceeding the rate of 6 dollars per



day, from the end of one such session or meeting, to the time of his taking a seat in another. March 10, 1796, c. 4. § 1.

11. At each session of Congress, each Representative shall be entitled to receive 6 dollars for every day he shall attend the House of Representatives; and shall be allowed, at the commencement and end of each session, 6 dollars for every 20 miles of the estimated distance, by the most usual road, from his place of residence to the seat of Congress: And in case any Representative shall be detained by sickness, on his journey to or from the session of Congress, or, after his arrival, shall be unable to attend the House of Representatives, he shall be entitled to the daily allowance aforesaid: And the Speaker of the House of Representatives shall be entitled to receive in addition to his compensation as a Representative, 6 dollars for every day he shall attend the House: *Provided*, That no Representative shall be allowed a sum exceeding the rate of 6 dollars per day, from the end of 1 such session or meeting, to the time of his taking a seat in another. *ibid.* § 2.

12. There shall be allowed to each chaplain of Congress at the rate of 500 dollars per annum, during the session of Congress; to the Secretary of the Senate, and Clerk of the House of Representatives, 1500 dollars per annum, each, to commence from the time of their respective appointments; and also a further allowance of 2 dollars per day to each, during the session of that branch, for which he officiates. And the said Secretary and Clerk shall each be allowed (when the President of the Senate, or speaker shall deem it necessary) to employ one principal Clerk, who shall be paid 3 dollars per day, and 2 engrossing Clerks, who shall be paid 2 dollars per day, each, during the session, with the like compensations to such Clerks, respectively, while they shall be necessarily employed in the recess. *ibid.* § 3.

13. There shall be allowed to the Serjeant-at-arms, the sum of 4 dollars per day, during every session of Congress, and while employed on the business of the House. *ibid.* § 4.

14. The said compensation, which shall be due to the members and officers of the Senate, shall be certified by the President; and that which shall be due to the members and officers of the House of Representatives, shall be certified by the Speaker; and the same shall be passed as public accounts, and paid out of the public treasury. *ibid.* § 5.

15. In lieu of the compensations now established, there shall, from the 1st July, instant, be allowed, for the collection of the internal duties which have heretofore been imposed by law, the respective compensations following, *to wit*: To the supervisor of the district of Virginia, an annual salary of 1350 dollars. To the supervisor of the district of Pennsylvania, an annual salary of 1200 dollars. To each of the supervisors of Massachusetts, New-York, Maryland, North-Carolina, and South-Carolina, an annual salary of 1000 dollars. To each of the supervisors, of Connecticut and Ohio, an annual salary of 700 dollars. To each of the supervisors

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of Rhode-Island and New-Jersey, an annual salary of 600 dollars. To each of the supervisors of New-Hampshire, Vermont, Delaware, Tennessee and Georgia, an annual salary of 500 dollars. July, 11, 1798, c. 88, § 1.

16. The following sums shall be allowed to the supervisors for clerk hire, in their respective offices, to wit: To the supervisors of Massachusetts, New-York, Pennsylvania, Maryland, Virginia, North Carolina and South Carolina, 800 dollars per annum, each. To the supervisors of New-Hampshire, Rhode-Island, Connecticut, New-Jersey, and Georgia, 400 dollars per annum each. To the supervisors of Vermont, Delaware, Ohio and Tennessee, 300 dollars per annum, each. *ibid.* § 2.

17. The supervisors shall, severally, be allowed, in addition to the salaries aforesaid, the same commissions on the product of all the internal duties heretofore imposed and collected in their respective districts, as have been heretofore allowed under the authority of the President of the U. S. *ibid.* § 3.

18. The inspectors of surveys now established under the authority of the President of the U. S. in the several districts, not being also supervisors, shall each be allowed an annual salary of 500 dollars. *ibid.* § 4.

19. Each of the inspectors, not being also a supervisor, shall, in addition to the salary aforesaid, and to the commissions heretofore allowed to them by the President of the U. S. be allowed 200 dollars per annum for clerk-hire in their respective offices. *ibid.* § 5.

20. The collectors of the revenue shall be allowed a commission of 6 per centum on the product of all the internal duties heretofore imposed, and by them respectively received; except that in the districts of Massachusetts and Rhode-Island; a commission of 4 per centum, only, shall be allowed to the said collectors, upon the amount of duties arising from spirits distilled from foreign materials. *ibid.* § 6.

21. It shall be lawful for the supervisors of districts, to apportion and allow to such of the collectors of the revenue and auxiliary officers, as, for the execution of the public service, it shall appear to them really necessary so to compensate, yearly salaries, not exceeding the medium rate of 80 dollars to the collectors of the revenue actually employed, nor exceeding the medium rate of 30 dollars to the auxiliary officers actually employed, nor exceeding the sums following, in the respective districts, to wit: In New-Hampshire, 420 dollars; in Massachusetts, 1460 dollars; in Rhode-Island, 250 dollars; in Connecticut, 600 dollars; in Vermont, 420 dollars; in New-York, 1090 dollars; in New-Jersey, 820 dollars; in Pennsylvania, 1610 dollars; in Delaware, 330 dollars; in Maryland, 1500 dollars; in Virginia, 4650 dollars; in Ohio, 790 dollars; in Tennessee, 330 dollars; in North Carolina, 2780 dollars; in South-Carolina, 2340 dollars; and in Georgia, 660 dollars. *ibid.* § 7.

22. The supervisors shall be allowed, for preparing, stamping and distributing among the inspectors, 1 cent for every certificate to accompany foreign or domestic spirits, wines or teas, actually issued in the surveys and ports of their respective districts; the inspectors of surveys, and such of the supervisors as perform the same duties, shall be allowed 2 cents and one half for each certificate signed by them and issued to accompany domestic distilled spirits, and 1 cent for each certificate signed by them, and issued to accompany foreign distilled spirits; the inspectors of the revenue for ports, shall be allowed 1 cent and one half, for every certificate issued in their ports, respectively to accompany foreign distilled spirits, and 2 cents and one half, for every certificate to accompany wines or teas, and to the deputies of such inspectors, the sum of 2 cents and one half for every cask or package of foreign distilled spirits, wines or teas, by them marked according to law, and returned to their respective principals, and for gauging wines, whereon the duties are payable according to the value thereof, 6 cents for every cask actually gauged; and the collectors of the revenue shall be allowed for measuring and marking, according to law, each still under the capacity of 100 gallons, 60 cents, and for each still of the capacity of 100 gallons, or more, 75 cents, and for marking each cask of domestic distilled spirits, and for issuing and countersigning a certificate to accompany the same, 2 and one half cents, and for every cask which they respectively gauge or cause to be gauged, 6 cents. *ibid.* § 8.

23. It shall be lawful, this act notwithstanding, for the collectors of the revenue to demand of individuals the fee or extra compensation authorized by the 7 § of the act passed on the 28th May, 1796, intituled, "An act laying duties upon carriages for the conveyance of persons; and repealing the former act for that purpose;" in the manner and on the conditions thereby prescribed. *ibid.* § 9.

24. After the 1st July, instant, it shall be the duty of the several officers employed or to be employed in collecting the internal revenues of the U. S. to keep accurate accounts of their official emoluments and expenditures, and the same to transmit annually, on the last day of Dec. to the commissioner of the revenue; abstracts of which accounts shall, annually, be laid before Congress, by the Secretary of the Treasury. *ibid.* § 10.

25. The necessary expenses of procuring books, stationary, printed forms, certificates, and other documents, necessary for the collection of the internal revenues, shall be allowed to the supervisors, inspectors and collectors of the revenue, in the settlement of their accounts. And all letters and packets to and from the said supervisors and inspectors of the revenue, on business of their respective offices, shall be received and conveyed by post, free of postage. *ibid.* § 11.

26. The supervisors of districts, inspectors of surveys, and collectors of the revenue, shall, within 3 months after being thereto required, give bonds, with sureties, for the true and faithful ex-

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ention of their respective offices, and settlement of their accounts, according to law, in manner following, to wit : The supervisors of Massachusetts, New-York, Pennsylvania, and Virginia, in the sum of 25,000 dollars each ; the supervisors of New-Hampshire, Rhode-Island, Connecticut, New-Jersey, Maryland, North-Carolina, and South-Carolina, in the sum of 15,000 dollars, each ; and the supervisors of Vermont, Delaware, Ohio, Tennessee and Georgia, in the sum of 10,000 dollars, each ; and the inspectors of the several surveys, in the sum of 10,000 dollars, each ; which bonds shall be severally approved by the Comptroller of the Treasury, and shall be filed in his office, to be by him put in suit for the benefit of the U. S. upon any breach of the conditions thereof ; and the collectors of the revenue shall severally give like bonds, with sureties, in a sum not less than 3000 dollars ; which bonds shall be approved by the supervisors of the respective districts, and shall be filed in their offices to be by them put in suit, upon any breach of the conditions thereof. *ibid.* § 12.

27. All suits on bonds taken in pursuance of this act, shall be instituted and determined in the manner prescribed by the act, passed on the 3d March, 1797, intituled "An act to provide more effectually for the settlement of accounts between the U. S. and receivers of public money," and in all suits instituted against an inspector of any survey, or collector of the revenue, transcripts from the books of the supervisor of the proper district, or copies of any papers or other documents relating to the accounts of such inspector or collector, duly authenticated, under the seal of the said supervisor, shall have equal validity, and be entitled to the same credit which would be due to the original papers, if produced in open court ; subject nevertheless to the condition mentioned in the 2 § of the act above recited. *ibid.* § 13.

28. The bond of any supervisor or other officer of the revenue, who shall neglect or refuse, for more than 6 months, to make up, and render to the proper officer, his accounts of all duties collected or secured, pursuant to such forms and regulations as have been, or shall be prescribed, according to law, or to verify such accounts on oath or affirmation, if thereto required, or to pay over the monies which shall have been collected, shall be deemed forfeited, and judgment thereon may be taken at the return term, on motion, to be made in open court, by the attorney of the U. S. unless sufficient cause to the contrary be shewn to, and allowed by the court : *Provided*, That the writ or process, in such case, shall have been executed at least 14 days before the return day thereof. *ibid.* § 14.

29. The amount of all debts due to the U. S. by any supervisor or other officer of the revenue, whether secured by bond or otherwise, shall, be a lien upon the lands and real estate of such supervisor or other officer of the revenue, and their sureties, from the time when a suit shall be instituted for recovering the same ; and for want of goods and chattels, or other personal effects of such supervisor, or other officer of the revenue, or their sureties, to

satisfy any judgment which shall or may be recovered against them, respectively, such lands and real estates may be sold at public auction, after being advertised for at least 3 weeks, in not less than 3 public places in the proper district, survey or division, and in 1 newspaper printed in the county, if any there be, at least 6 weeks prior to the proposed time of sale; and for all lands and real estate sold in pursuance of the authority aforesaid, the conveyances of the marshals, or their deputies, executed in due form of law, shall afford a valid title against all persons claiming under such supervisor, or other officer of the revenue, or their sureties, respectively. *ibid.* § 15.

30. After the said 1st July, instant, so much of any law or laws as authorizes the President of the U. S. to fix or vary the compensation of the officers employed in the collection of the internal revenues, or limits the yearly sums to be allowed to them, is hereby repealed. *ibid.* § 16.

31. There shall be allowed to the surveyor of the port of Gloucester, in the state of Massachusetts, the yearly salary of 250 dollars, to commence from the last day of March, 1797, July 14, 1798. c. 90.

32. After the passing of this act, the compensations to the several officers hereinafter mentioned, shall be as follows, to wit; to the marshals of the several districts of the U. S. for the service of any writ, warrant, attachment or process issuing out of any courts of the U. S. two dollars—and in case there be more than 1 person named in the said writ, warrant, attachment or process, then 2 dollars for each person so named; for his travel out in serving each writ, warrant, attachment or process aforesaid, 5 cents, per mile, to be computed from the place of service, to the court where the writ or process shall be returned; and if more persons than 1 are named therein, the travel shall be computed from the court to the place of service which shall be the most remote, adding thereto, the extra travel which shall be necessary to serve it on the other; for each bail bond, 50 cents; for actually summoning witnesses or appraisors, each 50 cents; for every commitment or discharge of a prisoner, 50 cents; for every proclamation in the admiralty, 30 cents; for sales of vessels, or other property, and for receiving and paying the money, for any sum under 500 dollars, 2 and one half per cent; for any larger sum, 1 and one quarter per cent, upon the excess; for summoning each grand and other jury, 4 dollars: *Provided*, That in no case shall the fees for summoning jurors to any 1 court, exceed 50 dollars; and in those states where jurors, by the laws of the state, are drawn by constables, or other officers of corporate towns or places, by lot, the marshal shall receive for the use of the officers employed in summoning the jurors and returning the venire, the sum of 2 dollars, and for his own trouble in distributing the venire, the sum of 2 dollars; for attending the supreme or circuit court, 5 dollars per day; and for attending the district court, where such court has the powers and cog-

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nizance of a circuit court, 5 dollars per day; and for attending the district courts in other cases, 4 dollars per day, and at the rate of 10 cents per mile, for his travel from the place of his abode to either of the said courts—for all other services, not herein enumerated, except as shall be hereafter provided, such fees and compensations as are allowed in the supreme court of the state where such services are rendered: And the annual sum of 200 dollars as a full compensation for all extra services, shall be allowed to each marshal for the districts of Tennessee, Kentucky, New-Hampshire, Vermont, and Maine. Feb. 28, 1799, c. 125, § 1.

33. When a deputy marshal, who shall be duly appointed by the marshal of any district, shall reside and be more than 20 miles from the place where the district judge of such district shall reside and be, the oath of office required of such deputy, before he enters on the discharge thereof, may be administered and taken by and before any judge or justice of any state court within the same district, or before any justice of the peace, having authority therein, and being certified by him to the said district judge, shall be as effectual as if administered or taken before such district judge. *ibid.* § 2.

34. The compensation to the clerk of the supreme court of the U. S. shall be as follows, to wit; for his attendance in court 10 dollars per day, and for his other services, double the fees of the clerk of the supreme court of the state in which the supreme court of the U. S. shall be holden. To the clerks of circuit and district courts in each state, respectively, the same fees as are allowed in the supreme court of the said state, with an addition thereto of one third of said fees, and 5 dollars per day for his attendance at any circuit or district court, and at the rate of 10 cents per mile for his travel from the place of his abode to either of said courts; and in case a clerk of a court of the U. S. perform any duty which is not performed by the clerks of the state, and for which the laws of the state make no provision, the court in which such service shall be performed, shall make a reasonable compensation therefor. And in all cases of admiralty jurisdiction, the clerk of the district court shall be allowed the same fees as are prescribed by the 2nd § of an act, passed the 1st March, 1793, intituled "An act to ascertain the fees in admiralty proceedings in the district courts of the U. S. and for other purposes." *ibid.* § 3.

35. The compensation to the attornies of the respective districts of the U. S. shall be as follows, to wit: for each day which any such attorney shall necessarily attend on business of the U. S. during the session of any district or circuit court, 5 dollars; for travelling from the place of his abode to such court, 10 cents per mile; and such fees in each state, respectively, as are allowed in the supreme court thereof; and in the district courts, his stated fees in the cases herein mentioned, shall be as follows, to wit; for drawing interrogatories, 5 dollars: for drawing and exhibiting libel, claim, or answer, 6 dollars; and for all other services



in any one cause, 6 dollars. And the annual sum of 200 dollars, as a full compensation for all extra services, shall be allowed and paid by the U. S. to each district attorney for the districts of Maine, New-Hampshire, Vermont, Rhode-Island, Connecticut, New-Jersey, Delaware, Virginia, North-Carolina, Georgia, Kentucky and Tennessee. *ibid.* § 4.

36. For all services in criminal cases performed by the attorney for the district of Virginia, and for which no fees are allowed by law for similar services in the courts of that state, he shall be allowed such sum or sums as the court in which the same is rendered, shall consider a reasonable compensation therefor. *ibid.* § 5.

37. The compensation to jurors and witnesses, in the courts of the U. S. shall be as follows, to wit: to each grand and other juror, for each day he shall attend in court, 1 dollar and 25 cents; and for travelling, at the rate of 5 cents per mile, from their respective places of abode, to the place where the court is holden, and the like allowance for returning; to the witnesses summoned in any court of the U. S. the same allowance as is above provided for jurors. *ibid.* § 6.

38. The respective courts of the U. S. shall appoint cryers for their courts, to be allowed the sum of 2 dollars per day; and the marshals are hereby authorized to appoint such a number of persons, not exceeding 3, as the judges of their respective courts shall determine, to attend upon the grand and other jurors, and for other necessary purposes, who shall be allowed for their services, the sum of 2 dollars per day, to be paid by, and included in the accounts of the marshal, out of any money of the U. S. in his hands. *ibid.* § 7.

39. If any informer on a penal statute, and to whom the penalty, or any part thereof, if recovered, is directed to accrue, shall discontinue his suit, or prosecution, or shall be non-suited in the same, or if, upon trial, judgment shall be rendered in favour of the defendant, unless such informer be an officer of the U. S. he shall be alone liable to the clerks, marshals, and attorneys for the fees of such prosecution; but if such informer be an officer whose duty it is to commence such prosecution, and the court shall certify there was reasonable ground for the same, then the U. S. shall be responsible for such fees. *ibid.* § 8.

40. The 3rd § of an act passed on the 8th May, 1792, intituled "An act for regulating process in the courts of the U. S. and for providing compensations for the officers of said courts, and for jurors and witnesses,"—and the 2nd §. of an act passed on the 1st June 1796, intituled "An act making an appropriation to satisfy certain demands attending the late insurrection, and to increase the compensations to jurors and witnesses in the courts of the U. S." are hereby repealed. *ibid.* § 9.

41. Every collector, naval officer & surveyor, employed in the collection of the duties on imports and tonnage, shall, within 3 months after he enters upon the execution of his office, give bond,

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*Provided*, That in cases where bonds have been already given, according to the directions aforesaid, new bonds shall not be required. March 2, 1799, c. 129, § 1.

42. After the last day of March next, and in lieu of the fees and emoluments heretofore established, there shall be allowed and paid for the use of the collectors, naval officers, and surveyors appointed and to be appointed in pursuance of law, the fees following; that is to say, to each collector for every entrance of any ship or vessel of 100 tons burthen and upwards, 2 dollars and an half; for every clearance of any ship or vessel of 100 tons burthen and upwards, 2 dollars and an half; for every entrance of any ship or vessel under the burthen of 100 tons, 1 dollar and an half, for every clearance of any ship or vessel under 100 tons burthen, 1 dollar and an half; for every post entry 2 dollars; for every permit to land goods, 20 cents; for every bond taken officially, 40 cents; for every permit to load goods for exportation, which are entitled to drawback, 30 cents; for every debenture or other official certificate, 20 cents; for every bill of health, 20 cents; for every official document, (registers excepted) required by any merchant, owner or master of any ship or vessel not before enumerated, 20 cents; and where a naval officer is appointed to the same port, the said fees shall be equally divided between the collector and the said naval officer, the latter paying one third of the expense of the necessary stationery, and of the rent of an office to be provided by the collector, at the place assigned for his residence, and as conveniently as may be for the trade of the district, except the expense of fuel, office rent, and necessary stationery for the collectors of the districts of Salem and Beverly, Boston and Charlestown, the cities of New-York, Philadelphia and Charleston, the towns of Baltimore, Norfolk and Portsmouth, which shall be paid three fourths by the said collectors, and the other fourth by the respective naval officers in those districts; and all fees shall, at the option of the collector, be either received by him or by the naval officer, the party receiving to account monthly with the other for his proportion or share thereof: *Provided*, That all fees, arising on the exportation of any goods, wares or merchandise on which drawbacks are allowed, shall be equally shared among the collector, naval officer and surveyor, where there are such officers at the port where the fees are paid, to be accounted for monthly, by the collector or naval officer who shall receive the same; and where there is no naval officer, such fees shall be divided equally between the collector and the surveyor, who may have been concerned in attending to such exportation, and the surveyors shall pay their proportion of the expenses of stationery and printing. To each surveyor, for the admeasurement, and certifying the same, of every ship or vessel of 100 tons and under, 1 cent per ton; for the admeasurement of every ship or vessel above 100 tons, and not exceeding 200 tons, 150 cents; for the admeasurement of every ship or vessel above 200 tons, 200 cents; for all other services by this act to be performed by such surveyor, on board any ship or vessel of 100 tons or upwards, having on board goods, wares or merchandise subject to duty, 3 dollars;

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for the like services on board any ship or vessel of less than 100 tons burthen, having on board goods, wares or merchandise subject to duty, one and an half dollar, on all vessels not having on board goods, wares or merchandise subject to duty, two thirds of a dollar. All which fees shall be paid by the master or owner of the ship or vessel in which the said services shall be performed, to the surveyor by whom they shall be performed, if performed by one only, for his sole benefit,—but if performed by more than 1, to him who shall have the first agency, to be divided in equal parts between him and the other or others by whom the said services shall also be performed. To each inspector there shall be allowed, for every day he shall be actually employed in aid of the customs, a sum not exceeding 2 dollars; and for every other person that the collector may find it necessary and expedient to employ, as occasional inspectors, or in any other way in aid of the revenue, a like sum, whilst actually so employed, not exceeding 2 dollars for every day so employed, to be paid by the collector, out of the revenue, and charged to the U. S. *Provided*, That the services performed by occasional inspectors, shall be particularly detailed in the accounts to be transmitted to the Treasury, and certified as to the necessity as well as performance of such services, by the naval officer or surveyor of the district, if any such officers there are: To the measurers, weighers or gaugers, respectively, to be paid monthly by the collector out of the revenue, and charged to the U. S. for the measurement of every 100 bushels of grain, 30 cents; for the measurement of every 100 bushels of salt, according to the weight established by law for the payment of duties thereon, 50 cents; for the measurement of every 100 bushels of coal 60 cents; for the weighing of every 112 pounds, and marking every cask, box or package, weighing more than 200 pounds each, except sugar, coffee, pepper, pimento and indigo, in bales, bags, mats, cannisters, or seroons, with the weight in durable characters, in the districts of Pennsylvania, New-York, Boston and Charlestown, and Baltimore, 1 cent and a quarter; in the district of Norfolk, 1 cent and an half, and in the other districts, 2 cents; for the gauging and marking every cask, to be marked in durable characters, with his own name, and the quantity, 8 cents; for computing the contents of and marking cases containing distilled spirits and wines, 3 cents per case; for actually counting the number of bottles of cider, beer, ale, perry, or porter, contained in any cask, or other package or packages, 1 cent per dozen; and in proportion for any greater or lesser quantity; and the allowances aforesaid shall be deemed to include a compensation for making returns of the goods or merchandise weighed, gauged or measured, specifying the quality as well as quantity; and there shall be allowed to the surveyors or inspectors of the revenue for ports, the sum of one cent and one half for every certificate to accompany foreign distilled spirits, and 2 cents and one half for every certificate to accompany wines and teas, issued within their ports respectively; and to the deputies

of the inspectors aforesaid, the sum of 2 cents and one half for every cask, or package, of foreign distilled spirits, wines or teas, by them marked and returned to their respective principals, and for gauging wines, whereon the duties are payable according to the value thereof 6 cents for every cask actually gauged. There shall moreover be allowed to the several officers hereafter mentioned, the following allowances and per centage : To the collectors of the district of New-York, one quarter per cent ; to the collector of the district of Boston and Charlestown, and to the collector of the districts of Baltimore and Philadelphia one-half per cent ; to the collectors of the district of Charleston, Salem and Norfolk, seven-eighths of 1 per cent ; to the collectors of the districts of Alexandria and Savannah, 1 per cent ; to the collectors of the district of Newburyport, 1 and one quarter per cent, to the collectors of the districts of Portsmouth, Portland, Newport, Providence, and New-Haven, 1 and one-half per cent ; to the collectors of the districts of Georgetown, (in Maryland) and Marblehead, 2 and one-half per cent ; to the collectors of the districts of New-London, Biddeford, Bath, and Wiscasset, 2 per cent ; and to the collectors of all other districts, 3 per cent ; on all monies by them respectively received, on account of the duties arising on goods, wares and merchandise imported into the U. S. and on the tonnage of ships and vessels. And in addition to the allowances above mentioned, there shall be allowed and paid annually, the sums following, to wit :—To the collectors of St. Mary's, Passamaquoddy, Vermont, Champlin, and to the collectors of the several districts comprizing the northern and western boundaries of the U. S. and the river Ohio, 250 dollars each, to the surveyors in the several districts comprising the northern and western boundaries of the U. S. and the river Ohio, 200 dollars each ; to the surveyor of Shell Castle or Beacon Island, 1000 dollars : To each of the collectors of the districts of Wilmington in Delaware, Annapolis, Havre-de-Grace, Chester, in Maryland, Gloucester, South Quay, Yeocomico, Tappahannock, Newbern, Edenton, Camden, Wilmington, (North-Carolina) Nanjemoy, Ipswich, York, Washington and Bermuda Hundred, the sum of 250 dollars ; to each of the collectors of the districts of Oxford, Vienna, Sagg-Harbour, Nottingham, Hampton, Yorktown, Dumphries, Foley Landing, Cherry-stone, Beaufort, Brunswick and Hardwich, the sum of 200 dollars ; To each of the collectors of the districts of Perth-Amboy, Portsmouth, Hudson, Plymouth, Barnstable, Nantucket, Edgartown, New-Bedford, Dighton, Penobscot, Frenchman's Bay, Machias (New Port) Middletown, Fairfield, Burlington, Bridge-town, Great Egg-Harbour, Little Egg-Harbour, Snow-hill, Georgetown (in South-Carolina) Sunbury, Marblehead, New-Haven and Georgetown (in Maryland) the sum of 150 dollars ; to each of the collectors of Biddeford, Bath and Wiscasset, 100 dollars ; to the naval officer of the district of Portsmouth, 200 dollars ; to each of the naval officers of the districts of Newburyport, Salem, Newport, Providence, Wilmington

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(in North-Carolina) and Savannah, 150 dollars ; to each of the surveyors of Salem, Portsmouth, Newburyport, Gloucester, Bristol, Warren, East-Greenwich, North-Kingston, Saint Mary's, Suffolk, Smithfield, Richmond, Petersburg, Fredericksburgh, Wilmington, Beaufort and Swansborough, 250 dollars ; to each of the surveyors of Newport, Providence, Thomastown, Beverly, New-Haven, Middletown, Hartford, Saybrook, Albany, Hudson, Lewellenburgh, Portland, Pawkatuck, Patuxet, New-London, Stonington, Town-Creek, Bermuda Hundred, West-Point, Urbanna, Port Royal, Alexandria, Windsor, Hartford, Plymouth, Skewarky Murfreesborough, Bennet's Creek, Winton, Nixonton Newbiggen creek, Pasquotank river, Indian town, Currituck-Inlet, Savannah, and New-Brunswick (in New Jersey) 150 dollars ; to each of the surveyors of such ports of delivery as may be hereafter established by the President of the U. S. and for whom other annual compensations are not hereby provided, a sum not exceeding 250 dollars : And it shall be the duty of the respective collectors, naval officers and surveyors, to keep accurate accounts of all fees and official emoluments received by them, also, of all expenditures, particularizing their expenditures for rent, fuel, stationery and clerk-hire, and to transmit annually, within 40 days after the last day of Dec. an account, as aforesaid, verified on oath or affirmation, to the Comptroller of the Treasury, who shall, annually, lay an abstract of the same before Congress ; and if any collector, naval officer, or surveyor, shall omit or neglect to keep an account as aforesaid, or to transmit the same, verified as aforesaid, he shall forfeit and pay a sum not exceeding 500 dollars, for the use of the U. S. *ibid.* § 2.

43. The compensations of the commissioned officers of the revenue cutters, shall be as follows, to wit : To a captain, or master, 50 dollars per month and the subsistence of a captain in the army of the U. S. to a first lieutenant or mate, 35 dollars per month, to a second lieutenant or mate, 30 dollars per month ; to a third lieutenant or mate, 25 dollars per month and to every lieutenant or mate, the subsistence of a lieutenant in the army of the U. S. and the pay of the non-commissioned officers, gunners & mariners employed in the said cutters, shall from time to time be established and varied by the President of the U. S. not exceeding 20 dollars per month, with such rations as are or shall be allowed in the naval service of the U. S. *ibid.* § 3.

44. Whenever a collector shall die or resign, the commissions to which he would have been entitled, on the receipt of all duties bonded by him, shall be equally divided between the collector resigning, or the legal representative of such deceased collector, and his successor in his office, whose duty it shall be to collect the same, and for this purpose all the public or official books, papers and accounts of the collector resigning or deceased, shall be delivered over to such successor. *ibid.* § 4.

45. In lieu of the salaries heretofore allowed by law to the officers of the government of the U. S. herein mentioned, the follow-



ing annual compensations are hereby granted to the said officers respectively, from the commencement of the present year ; That is to say : The Secretary of state, 5000 dollars : The Secretary of the Treasury 5000 dollars : The Secretary of War, 4500 dollars : The Secretary of the Navy, 4500 dollars : The Attorney-General, 3000 dollars : The Comptroller of the Treasury, 3500 dollars : The Treasurer, 3000 dollars : The Auditor of the treasury, 3000 dollars : The Commissioner of the Revenue, 3000 dollars : The Register of the Treasury, 2400 dollars : The Accountant of the War Department, 2000 dollars : The Accountant of the Navy Department, 2000 dollars : The Postmaster-General, 3000 dollars : And, the Assistant Postmaster-General, 1700 dollars. Which sums shall be respectively paid, quarterly, at the Treasury of the U. S. March 2, 1799, c. 144, *cont. for 3 years.*

46. The Secretaries of the Treasury, State, War and Navy Departments, are authorized and empowered, to vary the compensations heretofore established for clerks in their respective departments, in such manner as the services to be performed shall, in their judgment require ; *Provided*, that the whole amount of compensations for clerks, in the said departments, respectively, shall not exceed the following sums ; that is to say : For the Department of State, 5950 dollars : For the Treasury Department, 42620 dollars, and 34 cents, that is to say, in the office of the Secretary of the Treasury, 5839 dollars, and 81 cents ; in the office of the Comptroller of the Treasury, 9067 dollars, and 8 cents ; in the office of the Auditor of the Treasury, 8810 dollars, and 93 cents ; in the office of the Treasurer of the U. S. 2817 dollars and 45 cents ; in the office of the Commissioner of the Revenue, 2842 dollars, and 6 cents ; and in the office of the Register of the Treasury, 13,242 dollars, and 1 cent : For the Department of War, 15,340 dollars, that is to say, in the office of the Secretary of the said department, 6340 dollars ; in the office of the Accountant of the said department, 8500 dollars ; and in the office of the Purveyor of Public supplies, 500 dollars : For the department of the Navy, 11,100 dollars ; that is to say ; in the office of the Secretary of the department of the Navy, 4200 dollars ; and in the office of the Accountant of the Navy department, 6900 dollars. March 2, 1799, c. 146, § 1.

47. The Postmaster-General of the U. S. is authorized and empowered to appoint such number of clerks in his office, as he shall judge proper, and to apportion and vary their compensations in such manner as the services to be rendered by each, shall in his judgment require : *Provided*, That the whole amount of compensations for clerks in the said office, shall not exceed the sum of 4250 dollars, annually ; which sum shall be paid quarterly, out of the revenues of the Post Office. *ibid.* § 2.

48. The Director of the mint shall be authorized to allow to one of the clerks employed in his office, the sum of 200 dollars per annum, in addition to the salary of 500 dollars, heretofore established for the clerks in the said office. *ibid.* § 3.

49. There shall be allowed to the Secretary and Accountant of the Navy department respectively, in the settlement of their accounts, the following sums for deficiencies in the provisions made by law for their clerks during the year 1798, that is to say; to the said Secretary, 887 dollars, and 29 cents; and to the said Accountant, 188 dollars, and 32 cents. *ibid.* § 4.

50. There shall be allowed to the Commissioners of Loans in the states of Massachusetts and New-York, respectively, not exceeding 5 clerks, at the rate of 500 dollars per annum each; to the Commissioner of Loans in the state of Connecticut, not exceeding 2 clerks, at the rate of 400 dollars per annum each; to the Commissioners of Loans in the states of Pennsylvania, Virginia and South-Carolina, respectively, not exceeding 2 clerks, at the rate of 500 dollars per annum each; the aggregate of the compensations for clerks employed by either the said commissioners, to be apportioned among them at his discretion. And there shall be annually allowed in lieu of clerk-hire, to the Commissioner of Loans in the state of New-Hampshire 350 dollars; to the Commissioner of Loans in the state of Rhode-Island, 400 dollars; to the Commissioner of Loans in the state of New-Jersey, 300 dollars; and to the Commissioner of Loans in the state of Maryland, 250 dollars. *ibid.* § 5. See *Coasting trade*. 34. *Consuls*. 4. 10. *Judiciary*, 39, 43, 47. 77. *Medical establishment*, 6, *Military establishment*, 49. 58, 62, *Mint*. 6, 29, *Navy &c.* 6, *Registering &c. vessels*. 25, *Tax direct*, 19, 20, *Treasury department*, 15, *Valuation &c.* 28, 29.



## Passports for vessels Of the United States.

1. **I**T shall be the duty of the Secretary of state, to prepare a form which when approved by the President, shall be deemed the form of a passport for vessels of the U. S. June 1, 1796, c. 45, § 1.

2. Every ship and vessel of the U. S. going to any foreign country, shall, before she departs from the U. S. at the request of the master, be furnished by the collector for the district, where such ship or vessel may be, with a passport of the form prescribed and established, pursuant to the foregoing § for which passport, the master of such ship or vessel, shall pay to the said collector, 10 dollars, to be accounted for by him; and in order to be entitled to such passport, the master of every such ship or vessel shall be bound with sufficient sureties, to the Treasurer of the U. S. in the penalty of 2000 dollars, conditioned, that the said passport shall not be applied to the use or protection of any other ship or vessel, than the one described in the same; and that, in case of the loss or sale of any ship or vessel having such passport, the same shall, within 3

months, be delivered up to the collector from whom it was received, if the loss or sale take place within the U. S. or within 6 months, if the same shall happen at any place nearer than the Cape of Good Hope; and within 18 months, if at a more distant place. *ibid.* § 2.

3. There shall be paid on every ship and vessel of the U. S. sailing or trading to any foreign country, other than some port or place in America, for each and every voyage, the sum of 4 dollars, to be received and accounted for, by the collector, at the time of clearing outward, if such vessel be bound direct to such foreign country, from any port of the U. S. or at the time of entry in the U. S. if such ship or vessel shall have sailed to such foreign country, from any port or place in America, other than of the U. S. *ibid.* § 3.

4. If any ship or vessel of the U. S. shall depart therefrom, after the 1st Sept. next, and shall be bound to any foreign country, other than to some port or place in America, without such passport, the master of such ship or vessel shall forfeit and pay the sum of 200 dollars for every such offence. *ibid.* § 4.



## Ports & Harbours, defence of.

1. THE following ports and harbours shall be fortified under the direction of the President of the U. S. and at such time or times, as he may judge necessary, to wit: Portland in the district of Maine; Portsmouth in the state of New-Hampshire, Gloucester Salem, Marblehead & Boston, in the state of Massachusetts; Newport in the state of Rhode Island; New-London in the state of Connecticut; New-York, Philadelphia, Wilmington in the state of Delaware; Baltimore, in the state of Maryland, Norfolk and Alexandria, in the state of Virginia, Cape-Fear river and Ocracock inlet in the state of North Carolina; Charleston and Georgetown, in the state of South-Carolina; and Savannah and Saint Mary's in the state of Georgia. March 20, 1794, c. 9 § 1.

2. It shall be lawful for the President of the U. S. to employ as garrisons in the said fortifications, or any of them, such of the troops on the military establishment of the U. S. as he may judge necessary; and to cause to be provided 100 cannon, of a caliber each to carry a ball of 32 pounds weight, & 100 other cannon, of a caliber each to carry a ball of 24 pounds weight, together with the carriages and implements necessary for the same, and carriages with the necessary implements for 150 other cannon, with 250 tons of cannon shot. *ibid.* § 2.

3. It shall be lawful for the President of the U. S. to receive from any state (in behalf of the U. S.) a cession of the lands, on which any of the fortifications aforesaid, with the necessary buildings, may be erected, or intended to be erected; or where such

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cessions shall not be made, to purchase such lands, on behalf of the U. S. *Provided*, That no purchase shall be made, where such lands are the property of a state. *ibid.* § 3.

4. The port and harbour of the city of Annapolis shall be fortified in such manner, and at such time or times, as the President of the U. S. may direct : and it shall be lawful for the President of the U. S. to employ a garrison in the said fortification, provide cannon & equipments, and receive from the State of Maryland, a cession of the lands on which the said fortification & its necessary buildings, may be erected, agreeably to the 2nd and 3rd § of the act to which this is a supplement. May 9, 1794, c. 25.

5. The President of the U. S. is empowered to authorize any of the States which were found indebted to the U. S. in the settlement of the accounts between them and the respective States, to expend under his direction, the sums respectively due from them, in fortifying their ports and harbours, and the sums which may be so expended, shall be passed to the credit of the said States, on account of the balances found & reported by the commissioners for settling the accounts between the U. S. and the individual States, to be due from the said States to the U. S. June 23, 1797, c. 3, § 3.

6. A sum not exceeding 250,000 dollars, in addition to the sums heretofore appropriated, remaining unexpended, shall be appropriated, and paid out of any monies not before appropriated, to make and compleat, at the discretion of the President of the U. S. the fortifications heretofore directed for certain ports and harbours, and to erect fortifications in any other place or places as the public safety shall require, in the opinion of the President of the U. S. and which other fortifications he is hereby authorized to cause to be erected, under his direction, from time to time, as he shall judge necessary. May 3, 1798, c. 54. § 1.

7. Where any state, which was found indebted to the U. S. by the report of the commissioners for settling the accounts between the U. S. and the individual states, shall, with the approbation of the President of the U. S. proceed to finish or complete any fortification heretofore commenced by such state, for the defence of any port or harbour within the same, or shall, under the direction of the President of the U. S. make and erect any additional fortifications, pursuant to the act, intituled "An act to provide for the further defence of the ports and harbours within the U. S." as well the previous expenditures made since the 20th March, 1794, which shall be approved by the President of the U. S. as the expenditures which have been, or which shall be directed by him, shall be allowed and credited to such state, on account of the balance found and reported, as aforesaid : *Provided*, That no expenditure exceeding the balance found and reported against the respective state, shall be allowed as aforesaid ; and provided, that the fortifications for which the whole, or any part of the expenditure, shall be so allowed and credited as aforesaid with their privileges and appurtenances, shall be, and shall be declared and

established as the property of the U. S. while maintained by them. *ibid.* § 2.

8. These words of the said act, intituled, "An act for the further defence of the ports and harbours of the U. S." that is to say, "Provided, the said states shall, and do cede to the U. S. the lands or places on which such fortifications shall be so erected, in cases where the lands are the property of such states," are hereby repealed. *ibid.* § 3.

## Post-Office.

1. THERE shall be established at the seat of government of the U. S. a General-Post-Office, under the direction of a Postmaster-General. The Postmaster-General shall appoint an assistant, and such clerks as may be necessary for performing the business of his office: He shall establish post-offices, and appoint postmasters, at all such places as shall appear to him expedient, on the post-roads that are or may be established by law—He shall give his assistant, the postmasters, and all other persons whom he shall employ, or who may be employed in any of the departments of the General Post-Office, instructions relative to their duty—He shall provide for the carriage of the mail on all post-roads that are or may be established by law, and as often as he, having regard to the productiveness thereof, and other circumstances, shall think proper—He may direct the rout or road where there are more than one between places designated by law for a post road, which route shall be considered the post-road—He shall obtain from the postmasters their accounts and vouchers for their receipts and expenditures once in 3 months, or oftener, with the balances thereon arising in favor of the General-Post-Office—He shall pay all expences which may arise in conducting the post-office, and in the conveyance of the mail, and all other necessary expences arising on the collection of the revenue, and management of the General-Post Office—He shall prosecute offences against the post-office establishment—He shall once in 3 months render to the Secretary of the Treasury a quarterly account of all the receipts and expenditures in the said department, to be adjusted and settled as other public accounts—He shall also superintend the business of the department in all the duties that are or may be assigned to it. *Provided*, that in case of the death, resignation, or removal from office of the Postmaster-General, all his duties shall be performed by his assistant, until a successor shall be appointed and arrive at the General-Post-Office to perform the business. March, 2 1799, c. 149, § 1.

2. The Post-master-General, and all other persons employed in the General-Post-Office, or in the care, custody, or conveyance of the mail, shall, previous to entering upon the duties assigned

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to them, or the execution of their trusts, and before they shall be entitled to receive any emolument therefor, respectively take and subscribe the following oath or affirmation before some magistrate, and cause a certificate thereof to be filed in the General-Post-Office, "I. A. B. do swear (or affirm, as the case may be) that I will faithfully perform all the duties required of me, and abstain from every thing forbidden by the laws in relation to the establishment of the Post-Office and Post Roads within the U. S." Every person who shall be in any manner employed in the care, custody, conveyance or management of the mail, shall be subject to all pains, penalties and forfeitures for violating the injunctions or neglecting the duties required of him by the laws relating to the establishment of the post-office and post-roads, whether such person shall have taken the oath or affirmation above prescribed or not. *ibid.* § 2.

3. If any person shall knowingly and wilfully obstruct or retard the passage of the mail, or of any driver or carrier, or of any horse or carriage carrying the same, he shall, upon conviction, for every such offence, pay a fine not exceeding 100 dollars: And if any ferryman shall, by wilful negligence or refusal to transport the mail across any ferry, delay the same, he shall forfeit and pay for each half hour that the same shall be so delayed, a sum not exceeding 10 dollars. *ibid.* § 3.

4. It shall be the duty of the Postmaster-General to give public notice, in 1 or more of the newspapers published at the seat of government of the U. S. and in 1 or more of the newspapers published in the state or states where the contract is to be performed, for at least 6 weeks before entering into any contract for carrying the mail, that such contract is intended to be made, and the day on which it is to be concluded, describing the places from and to which such mail is to be conveyed, the time at which it is to be made up, and the day and hour at which it is to be delivered: He shall, moreover, within 90 days after the making of any contract, lodge a duplicate thereof, together with the proposals which he shall have received respecting it, in the office of the Comptroller of the Treasury of the U. S. *Provided*, That no contract shall be entered into for a longer term than 4 years. *ibid.* § 4.

5. Every postmaster shall keep an office, in which 1 or more persons shall attend at such hours as the Postmaster-General shall direct, for the purpose of performing the duties thereof, and all letters brought to any post-office half an hour before the time of making up the mail at such office, shall be forwarded therein; except at such post-offices, where, in the opinion of the Postmaster-General, it requires more time for making up the mail, and which he shall accordingly prescribe, but this shall in no case exceed one hour. *ibid.* § 5.

6. No fees or perquisites shall be received by any person employed in the General-Post-Office on account of the duties to be performed by virtue of his appointment. *ibid.* § 6.



7. The following rates of postage shall be charged on all letters and packets (excepting such as herein after exempted) conveyed by the posts of the U. S. viz. For every letter composed of a single sheet of paper, conveyed not exceeding 40 miles, 8 cents. Over 40, and not exceeding 90 miles, 10 cents. Over 90, and not exceeding 150 miles, 12 and an half cents. Over 150, and not exceeding 300 miles, 17 cents. Over 300, and not exceeding 500 miles, 20 cents. Over 500 miles, 25 cents.

And for every double letter, or 1 composed of 2 pieces of paper, double those rates; and for every triple letter, or 1 composed of 3 pieces of paper, triple those rates; and for every packet composed of 4 or more pieces of paper, or other thing, & weighing 1 ounce avoirdupois, quadruple those rates, and in that proportion for all greater weight: *Provided*, that no packet of letters conveyed by the water mails shall be charged with more than quadruple postage, unless the same shall actually contain more than 4 distinct letters. No postmaster shall be obliged to receive, to be conveyed by the mail, any packet which shall weigh more than 3 pounds. *ibid.* § 7.

8. Every letter or packet brought into the U. S. or carried from 1 port therein to another, in any private ship or vessel, shall be charged with 6 cents, if delivered at the post-office where the same shall arrive, and if destined to be conveyed by post to any other place, with 2 cents added to the ordinary rates of postage. *ibid.* § 8.

9. If any postmaster, or other person authorised by the postmaster General to receive the postages of letters, shall fraudulently demand or receive any rate of postage, or gratuity, or reward, other than is provided by this act, for the postage of letters or packets, on conviction thereof, he shall forfeit for every such offence, 100 dollars, and shall be rendered incapable of holding any office or appointment under the U. S. *ibid.* § 9.

10. No ship or vessel arriving at any port within the U. S. where a post-office is established, shall be permitted to report, make entry, or break bulk, until the master or commander shall have delivered to the postmaster, all letters directed to any person or persons within the U. S. which under his care, or within his power, shall be brought in such ship or vessel, except such as are directed to the owner or consignee of the ship or vessel, and except also such as are directed to be delivered at the port of delivery, to which such ship or vessel may be bound. And it shall be the duty of the collector, or other officer of the port empowered to receive entries of ships or vessels, to require from every master or commander of such ship or vessel, an oath or affirmation, purporting that he has delivered all such letters, except as aforesaid. *ibid.* § 10.

11. The postmasters to whom such letters may be delivered, shall pay to the master or commander, or other person delivering the same, except the commanders of foreign packets, 2 cents for each letter or packet, and shall obtain from the person deli-

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vering the same, a certificate specifying the number of letters and packets, with the name of the ship or vessel, and the place from whence she last sailed; which certificate, together with a receipt for the money, shall be with his quarterly accounts, transmitted to the Postmaster-General, who shall credit him with the amount. *ibid.* § 11.

12. If any person, other than the Postmaster-General, or his deputies, or persons by them employed, shall be concerned in setting up or maintaining any foot or horse post, stage waggon, or other stage carriage, on any established post-road, or from 1. post-town to another post town on any road adjacent or parallel to any established post road, or any packet-boat or other vessel, to ply regularly from 1 place to another between which a regular communication by water shall be established by the U. S. and shall receive any letter or packet, other than newspapers, magazines, or pamphlets, and carry the same by such foot or horse post, stage waggon, or other stage carriage, packet boat, or vessel, excepting only such letter or letters as may be directed to the owner or owners of such conveyance, and relating to the same, or to the person to whom any package or bundle in such conveyance is intended to be delivered, every person so offending shall forfeit, for every such offence, the sum of 50 dollars: *Provided*, that it shall be lawful for any person to send letters or packets by a special messenger. *ibid.* § 12.

13. The deputy postmasters, and other agents of the Postmaster General, shall duly account and answer to him, for all way letters which shall come to their hands; and for this purpose, the post-riders, and other carriers of the mail, receiving any way letter or letters (and it shall be their duty to receive them, if presented more than 2 miles from a post-office) shall deliver the same, together with the postage, if paid, at the first post office to which they shall afterwards arrive, where the postmaster shall duly enter the same, and specify the number, and rate or rates in the post-bill, adding to the rate of each way letter, 1 cent, which shall be paid by the postmaster to the mail carrier from whom such way letter shall be received. And letters directed to persons living between post-offices may be delivered, and the postage thereof duly collected, it shall be the duty of the carriers of the mail to take charge of, and deliver all such letters as shall, for that purpose, be committed to them, by any postmaster, and collect the postage thereof, which shall be paid over to such postmaster on demand. And for every letter so delivered, the mail-carrier delivering the same shall be allowed to demand and receive 2 cents to his own use, besides the ordinary postage. And if any postmaster, or other agent of the Postmaster General, shall neglect so to account, he or they so offending, shall, on conviction thereof, forfeit, for every such offence, a sum not exceeding 50 dollars: *Provided*, that no mail-carriers shall make such deliveries at any place not on the post-road: *Provided also*, that the receipt and delivery of letters on the way, between post-offices, shall not be required of

the mail carriers in cases where, in the opinion of the Postmaster General, the time or manner of carrying the mail, or the speed of conveyance is incompatible with such receipts and deliveries. *ibid.* § 13.

14. If any person employed in any of the departments of the general post-office, shall unlawfully detain, delay or open any letter, packet, bag or mail of letters, with which he shall be entrusted, or which shall have come to his possession, and which are intended to be conveyed by post, or if any such person shall secrete, embezzle or destroy any letter or packet entrusted to him as aforesaid, and which shall not contain any security for, or assurance relating to money, as herein after described, every such offender, being thereof duly convicted, shall, for every such offence, be fined, not exceeding 300 dollars, or imprisoned, not exceeding 6 months, or both, according to the circumstances and aggravations of the offence. And if any person employed as aforesaid, shall secrete, embezzle, or destroy any letter, packet, bag or mail of letters, with which he shall be entrusted, or which shall have come to his possession, and are intended to be conveyed by post, containing any bank note, or bank post bill, bill of exchange, warrant of the Treasury of the U. S. note of assignment of stock in the funds, letters of attorney for receiving annuities or dividends, or for selling stock in the funds, or for receiving the interest thereof, or any letter of credit, or note for, or relating to payment of monies, or any bond or warrant, draft, bill or promissory note whatsoever, for the payment of money; or if any such person, employed as aforesaid, shall steal or take any of the same out of any letter, packet, bag or mail of letters, that shall come to his possession, he shall, on conviction for any such offence, be publicly whipped, not exceeding 40 stripes, and be imprisoned not exceeding 10 years. And if any person, who shall have taken charge of the mail of the U. S. shall quit or desert the same, before his arrival at the next post-office, every such person so offending, shall forfeit and pay a sum not exceeding 500 dollars for every such offence. And if any person concerned in carrying the mail of the U. S. shall collect, receive or carry any letter or packet, or shall cause or procure the same to be done, contrary to this act, every such offender shall forfeit and pay, for every such offence, a sum not exceeding 50 dollars. *ibid.* § 14.

15. If any person shall rob any carrier of the mail of the U. S. or other person entrusted therewith, of such mail, or of part thereof. such offender or offenders shall, on conviction, be publicly whipped not exceeding 40 lashes, & be imprisoned not exceeding 10 years; and if convicted a second time of a like offence, he or they shall suffer death. Or if in effecting such robbery of the mail, the first time, the offender shall much wound the person having custody thereof, or put his life in jeopardy, by the use of dangerous weapons, such offender or offenders shall suffer death. And if any person shall attempt to rob the mail of the U. S. by falling upon the person having custody thereof, shooting at him or his horses, or



threatening him with dangerous weapons, and the robbery is not effected, every such offender, on conviction thereof, shall be punished by whipping, not exceeding 30 lashes, or with imprisonment, not exceeding 2 years, or with both, according to the discretion of the court before whom such conviction is had. And if any person shall steal the mail, or shall steal or take from or out of any mail, or from or out of any post office, any letter or packet, or if any person shall take the mail, or any letter or packet therefrom or from any post office, whether with or without the consent of the person having custody thereof, and shall open, embezzle, or destroy any such mail, letter or packet, the same containing any article of value, or evidence of any debt, due, demand, right or claim, or if any person shall, by fraud or deception, obtain from any person having custody thereof, any mail, letter or packet, containing any article of value, or evidence thereof, such offender or offenders, on conviction thereof, shall be whipped, not exceeding 30 lashes, or imprisoned, not exceeding 2 years, or both, at the discretion of the court before whom such conviction is had. And if any person shall take any letter or packet, not containing any article of value or evidence thereof out of a post office, or shall open any letter or packet which shall have been in a post-office, or in the custody of a mail carrier, before it shall have been delivered to the person to whom it is directed, with design to obstruct the correspondence, to pry into another's business, or secrets, or shall secrete, embezzle or destroy any such mail, letter or packet, such offender, upon conviction, shall pay for every such offence a sum not exceeding 100 dollars. Provided every person who shall be imprisoned by a judgment of court under the 14th and 15th sections of this act, shall be kept at hard labor during the period of such imprisonment. *ibid.* §. 15.

16. The postmasters shall, respectively, publish at the expiration of every 3 months, or oftener, when the Postmaster-General shall so direct, in 1 of the newspapers published at or nearest the place of his residence, for 3 successive weeks, a list of all the letters remaining in their respective offices, or instead thereof, shall make out a number of such lists, and cause them to be posted at such public places in their vicinity, as shall appear to them best adapted for the information of the parties concerned; and at the expiration of the next 3 months, shall send such of the said letters as then remain on hand as dead letters, to the general post-office, where the same shall be opened and inspected; and if any valuable papers or matters of consequence shall be found therein, it shall be the duty of the Postmaster-General to return such letter to the writer thereof, or cause a descriptive list thereof to be inserted in one of the newspapers published at the place most convenient to the supposed residence of the owner, if within the U. S. and such letter and the contents, shall be preserved, to be delivered to the person to whom the same shall be addressed, upon payment of the postage, and the expence of publication.

And if such letter with its contents, be not demanded by the person to whom it is addressed, or the owner thereof, or his lawful agent, within 2 years after the advertisement thereof as aforesaid, the said contents shall be applied to the use of the U. S. until the same shall be reclaimed by the proprietor thereof. The manner of such application to be specially stated by the Postmaster-General to the Secretary of the Treasury. *ibid.* § 16.

17. Letters and packets to and from the following officers of the U. S. shall be received and conveyed by post, free of postage. Each postmaster, provided each of his letters or packets shall not exceed half an ounce in weight, each member of the Senate and House of Representatives of the Congress of the U. S. the Secretary of the Senate and Clerk of the House of Representatives provided each letter or packet shall not exceed 2 ounces in weight and during their actual attendance in any session of Congress, and 20 days after such session; the President of the U. S. Vice-President; the Secretary of the Treasury; Comptroller; Auditor; Register; Treasurer; Commissioner of the Revenue; Supervisors of the Revenue; Inspectors of the Revenue; Commissioners for direct taxes; Purveyor; the Secretary of War; Accountant of the War-Office; the Secretary of State; the Secretary of the Navy, and Accountant of the Navy; the Postmaster-General; Assistant Postmaster-General: And they may all receive their newspapers by post, free from postage: *Provided*, That the members of the Senate and House of Representatives, Secretary of the Senate, and Clerk of the House of Representatives shall receive their newspapers free of postage only during any session of Congress, and 20 days after the expiration of the same: *And Provided*, that no letter or packet from any public officer shall be conveyed by post, free from postage, unless he shall frank the same, by writing his name and office on the outside of such letter or packet, and until he has previously furnished the postmaster of the office where he shall deposit the same, with a specimen of his signature: *Provided also*, that all letters and packages to and from George Washington, late President of the U. S. shall continue to be received and conveyed by post, free from postage. *ibid.* § 17.

18. If any person shall frank letters other than those written by himself, or by his order, on the business of his office, he shall, on conviction thereof, pay a fine of 10 dollars: *Provided*, that the Secretary of the Treasury, Secretary of State, Secretary of War, Secretary of the Navy, and Postmaster-General, may frank letters or packets on official business, prepared in any other public office, in the absence of the principal thereof. And if any person having the right to receive his letters free of postage, shall receive enclosed to him any letter or packet addressed to a person not having that right, it shall be his duty to return the same to the post-office, marking thereon the place from whence it came, that it may be charged with postage. And if any person shall counterfeit the hand-writing or frank of any person, or cause the same to be done, in order to evade the payment of pos-

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rage, each person so offending shall pay for every such offence 50 dollars. *ibid.* § 18.

19. Every printer of newspapers may lend 1 paper to each and every other printer of newspapers within the U. S. free of postage, under such regulations as the Postmaster-General shall provide. *ibid.* § 19

20. All newspapers conveyed in the mail shall be under cover, open at one end, and charged with a postage of 1 cent each for any distance not more than 100 miles, and 1 and an half cent for any greater distance : *Provided* that the postage of a single newspaper from any one place to another in the same state, shall not exceed 1 cent ; and the Postmaster-General may make such regulations as to require those who receive newspapers by post, to pay always the amount of 1 quarter's postage in advance.

If any person employed in any department of the post-office shall improperly detain, delay, embezzle or destroy any newspaper, or shall permit any other person to do the like, or shall open or permit any other to open any mail or packet of newspapers not directed to the office where he is employed, he shall, on conviction thereof, forfeit a sum not exceeding 50 dollars for every such offence. And if any other person shall open any mail or packet of newspapers, or shall embezzle or destroy the same, not being directed to himself, or not being authorised, to receive and open the same, he shall, on conviction thereof, pay a sum not exceeding 20 dollars for every such offence. And if any person shall take or steal any packet, bag or mail of newspapers from or out of any post-office, or from any person having custody thereof, such person shall, on conviction, be imprisoned, not exceeding 3 months for every such offence, to be kept at hard labour, during the period of such imprisonment.

If any person shall enclose or conceal a letter or other thing, or any memorandum in writing in a newspaper, or among any package of newspapers, which he shall have delivered into any post-office, or to any person for that purpose, in order that the same may be carried by post, free of letter postage, he shall forfeit the sum of 5 dollars for every such offence : and the letter, newspaper package memorandum, or other thing, shall not be delivered to the person to whom it is directed, until the amount of single letter postage is paid for each article of which the package shall be composed.

No newspapers shall be received by the postmasters to be conveyed by post, unless they are sufficiently dried and enclosed in proper wrappers, on which, besides the direction, shall be noted the number of papers which are enclosed for subscribers, and the number for printers.

The Postmaster-General, in any contract he may enter into for the conveyance of the mail, may authorise the person with whom such contract is to be made, to carry newspapers, magazines and pamphlets other than those conveyed in the mail.



When the mode of conveyance, and the size of the mails will admit of it, magazines and pamphlets may be transported in the mail at 1 cent a sheet for any distance not exceeding 50 miles, at 1 cent and an half for any distance over 50 and not exceeding 100 miles, and 2 cents for any greater distance. *ibid.* § 20.

21. The Postmaster General is authorized to allow to the postmasters, respectively, such commission on the monies arising from the postages of letters and packets, as shall be adequate to their respective services and expences: *Provided*, that the said commission shall not exceed 30 per cent. on the 100 dollars collected in 1 quarter, and 25 per cent. on a sum over 100, and not more than 300; and 20 per cent. on any sum over 400 and not exceeding 2000 dollars; and 8 per cent. on any sum collected, being over 2400 dollars, except to the postmasters, who may be employed in receiving and dispatching foreign mails, whose compensation may be augmented, not exceeding 25 dollars, in 1 quarter, and excepting to the postmasters, at offices where the mail is regularly to arrive between the hours of 9 o'clock at night, and 5 o'clock in the morning; whose commission on the first 100 dollars, collected in 1 quarter, may be increased to a sum not exceeding 50 per cent. The Postmaster-General may allow to the postmasters, respectively, a commission of 50 per cent. on the monies arising from the postages of the newspapers, magazines and pamphlets; and to the postmasters, whose compensation shall not exceed 500 dollars, in 1 quarter, 2 cents for every free letter delivered out of the office, excepting such as are for the postmaster himself, and each postmaster, who shall be required to keep a register of the arrival and departure of the mails, shall be allowed 10 cents for each monthly return which he makes thereof to the General-Post-Office. *ibid.* § 21.

22. If any postmaster, or other person authorized to receive the postages of letters and packets, shall neglect or refuse to render his accounts, & pay over to the Postmaster-General the balance by him due at the end of every 3 months; it shall be the duty of the Postmaster General to cause a suit to be commenced against the person or persons so neglecting or refusing: and if the Postmaster General shall not cause such suit to be commenced within 6 months from the end of every such 3 months, the balances due from every such delinquent shall be charged to and recoverable from the Postmaster General.

All suits which shall be hereafter commenced for the recovery of debts or balances due to the general post office, whether they appear by bond or obligations made in the name of the existing or any preceding Postmaster General, or otherwise, shall be instituted in the name of the "Postmaster General of the United States."

Certified copies under the seal of the general post office, of the accounts current of the several postmasters, after the same shall have been examined and adjusted at that office, shall be admitted as evidence in all suits brought by the postmaster-general for the

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recovery of balances or debts due from postmasters, and in like manner copies of such accounts current as are lodged in the office of the Register of the Treasury, certified by the Register under the seal of his office, shall be admitted as evidence. *ibid.* § 22.

23. If any postmaster, or other person, who shall receive and open, or dispatch mails, shall neglect to render accounts thereof for 1 month after the time, and in the form and manner prescribed by law, and by the Postmaster-General's instructions conformable therewith, he shall forfeit double the value of the postages which shall have arisen at the same office in any equal portion of time previous or subsequent thereto; or in case no accounts shall have been rendered at the time of trial of such case, then such sum as the court and jury shall estimate equivalent thereto, to be recovered by the Postmaster-General in an action on the case. *ibid.* § 23.

24. All pecuniary penalties and forfeitures incurred under this act, shall be, 1 half for the use of the person or persons informing and prosecuting for the same, and the other half to the use of the U. S. *ibid.* § 24.

25. It shall be lawful for the Postmaster-General to make provision, where it may be necessary, for the receipt of all letters and packets intended to be conveyed by any ship or vessel beyond sea, or from any port in the U. S. to another port therein; and the letters so received shall be formed into a mail, sealed up, and directed to the postmaster of the port to which such ship or vessel shall be bound. And for every letter or packet so received, there shall be paid, at the time of its reception, a postage of 1 cent, which shall be for the use of the postmasters respectively receiving the same. And the Postmaster-General may make arrangements with the postmasters in any foreign country, for the reciprocal receipt and delivery of letters and packets through the post-offices. *ibid.* § 25.

26. The postmasters, & the persons employed in the transportation of the mail, shall be exempt from militia duties, and serving on juries, or any fine or penalty for neglect thereof. *ibid.* § 26.

27. Letter carriers shall be employed at such post-offices as the Postmaster-General shall direct, for the delivery of letters in the places respectively where such post-offices are established; and for the delivery of each such letter, the letter carrier may receive of the person to whom the delivery is made, 2 cents: *Provided*, That no letter shall be delivered to such letter carrier for distribution, addressed to any person who shall have lodged at the post-office a written request that his letters shall be detained in the office. And for every letter lodged at any post-office, not to be carried by post, but to be delivered at the place where it is to be so lodged, the postmasters shall receive 1 cent of the person whom it shall be delivered. *ibid.* § 27.

28. All causes of action arising under this act may be sued, and all offenders against this act may be prosecuted, before the justices.

of the peace, magistrates, and other judicial courts of the several states, and of the several territories of the U. S. they having competent jurisdiction by the laws of such states or territories, to the trial of claims and demands of as great value, and of prosecutions where the punishments are of as great extent, and such justices, magistrates, or judiciary, shall take cognizance thereof, and proceed to judgment and execution as in other cases. *ibid* § 28.

29. In all suits for causes arising under this act, the court shall proceed to trial, and render judgment the first term after such suit shall be commenced: *Provided*, That whenever service of the process shall not have been made 20 days at least previous to the return day of such term, the defendant shall be entitled to one continuance, if the court on the statement of such defendant shall judge it expedient: *Provided also*, That if the defendant in such suits shall make affidavit that he has a claim against the general post-office, not allowed by the Postmaster-General, although submitted to him conformable to the regulations of the post office, and shall specify such claim in the affidavit, and that he could not be prepared for the trial at such term for want of evidence, the court in such case, being satisfied in those respects, may grant a continuance until the next succeeding term. *ibid*. § 29.

30. It shall be the duty of the Postmaster-General to report annually to Congress every post road which shall not, after the second year from its establishment, have produced one third of the expence of carrying the mail on the same. *ibid*. § 30.

31. From and after the last day of April next, the several clauses & provisions, excepting the 1st and 2nd § thereof, of an act, entitled "An act to establish the post-office and post-roads within the U. S." and the several clauses, provisions and sections of an act (excepting the 1st & 2nd § thereof) entitled "An act, in addition to an act, entitled, 'An act to establish the post office and post roads within the U. S.'" approved the 3d of March, 1797, are hereby repealed. *Provided*, that nothing herein contained shall be construed to exonerate any person who shall not have performed the duty, or who shall have violated any of the prohibitions contained in the said acts, from suits or prosecutions; but as to all bonds, contracts, debts, demands, rights, penalties, punishments, which have been made, have arisen, or have been incurred, or which shall be made, arise, or be incurred previous to the first day of May next, the said acts shall have the same force and effect as though this act had not been made. *Provided also*, that the Postmaster-General, deputy postmasters, contractors for carrying the mail, and others employed under the aforesaid acts, shall continue to hold their several offices, appointments and trusts, until they are otherwise removed; and also the bonds which they, or either of them, have or may give for the faithful execution of their several duties and offices, shall continue to have the same force and effect, to all intents and purposes, after the said 1st May next, as though this act had not been made. *ibid*. § 31. See *Post-roads*.

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## Post Roads.

1. **T**HE following shall be established as post roads, namely : From Passamaquoddy, through Machias, Gouldsborough, Sullivan, Trenton, Ducktrap, Camden, Thomaston, Warren, Waldoborough, Bristol, Nobleborough, Newcastle, Wiscasset, Bath, Brunswick, North Yarmouth, Portland, Biddeford, Wells, York, Portsmouth, Newburyport, Ipswich, Salem, Boston, Worcester, Brookfield, Springfield, Hartford, Middleton, New-Haven, Stratford, Fairfield, Norwalk, Stamford, New-York, Newark, Elizabeth Town, Bridgetown, Woodbridge, Brunswick, Princeton, Trenton, Bristol, Philadelphia, Chester, Wilmington, Christiana, Elkton, Charlestown, Havre-de-Grace, Hartford, Baltimore, Bladensburg, the city of Washington, Georgetown, Alexandria, Colchester, Dumfries, Fredericksburg, Bowling-Green, Hanover Courthouse, Richmond, Petersburg, Goldson's, Warrenton, Lewisburg, Raleigh Aversborough, Fayetteville, Cheraw Court-house, Camden, Columbia, Edgefield Court house, Augusta and Wayne'sborough, to Savannah; and thence by Newport Bridge, and Saint-Savilla, to the town of Saint Mary's : From Portland, by New Gloucester Green, Monmouth, Winthrop, and Hollowell Court-house, to Pittstown, on the river Kennebeck : From Portsmouth, by Exeter, Chester, Amherst, Keen, and Walpole, to Charlestown : From Chester, by Concord, and Plymouth, to Haverhill ; From Exeter to Hampton-falls : From Salem to Gloucester : From Salem to Marblehead : From Boston to Plymouth, Sandwich and Falmouth, and from Falmouth to Edgartown on Martha's Vineyard : From Sandwich to Barnstable and Yarmouth : From Boston to Taunton and New Bedford, and thence to Nantucket : From Boston to Hartford in Connecticut, by Dedham, Mendon, and Pomfret : From Boston to Keen ; From Boston, through Andover and Haverhill, to Chester : From Taunton, by Dighton and Somerset, to Warren : From New-Bedford to Newport : From Boston, by Providence, Norwich, New-London, Saybrook and Guilford, to New Haven : From Newport, by Bristol and Warren, to Providence : From Newport, by East Greenwich, to Providence : From Newport, by Westerly and Stonington point, to New London : From Greenfield, Westminster, and Haverhill, to Newbury : From Springfield, by Stockbridge, to Kinderhook : From Brookfield, by North Hampton, Pittsfield and New Lebanon, to Albany : From Hartford, by New Hartford, through Norfolk, Canaan, Sheffield, and Hilldale, to the city of Hudson : From Hartford to Norwich ; From Hartford, by Middletown, to New London. From Hartford, by Farmington, Harwinton, Litchfield, New Milford, Newtown, Danbury, Ridgefield, Poundridge, Salem, North Castle, and White Plains, to New-York : From New-York, by Peekskill, Fishkill, Poughkeepsie, Rhinebeck, Redhook, Clermont, Hudson, and Kinderhook, to Albany : From Albany, by Lansingburg, Bennington, Manchester, Rutland, Middlebury

and Vergennes, to Burlington, on Lake Champlain : From Rutland to Windsor, in the State of Vermont : From Albany, by Schenectady, Johnston, Connojocharrie, and Whitestown, to Kanandorquie ; and from some convenient point in that line, through Cherry Valley, to the court house in Cooperstown, in the county of Otsego : From the city of New-York, by the most useful route, to Sagg Harbour : From Newark or Elizabeth Town, by Morristown and Rockaway, to Sussex court house ; and from thence, by Hacketstown and Morristown, to Elizabeth Town or Newark. From Woodbridge to Amboy : From Trenton, by Allentown, Monmouth Court house, Shrewsbury and Spotswood, to Brunswick ; and from Brunswick, by Somerset Court house, New Germantown, Pittston and Flemington, to Trenton : From Philadelphia, by Bethlehem, Easton, Sussex Court house, Goshen, Ward'sbridge, and Kingston, to Rhinebeck. From Philadelphia, by Woodbury, Sweedsborough and Salem, to Bridgetown, in West New Jersey : From Philadelphia, by Norristown, Pottsgrove, Reading, Lebanon, and Harrisburg, to Carlisle : From Reading to Lancaster : From Philadelphia, by Lancaster, York Town, Carlisle, Shippensburg, Chambersburgh, Bedford and Greensburg, to Pittsburg : From Pittsburg, by Washington in Pennsylvania, West Liberty in Virginia, and Wheeling, on the Ohio, to Limestone and Fort Washington : From Limestone, by Bourbon Town, Lexington, Frankfort, and Harrodsburg, to Danville, in Kentucky : From Danville, by Bardstown, to Louisville : From York Town, in Pennsylvania, by Hanover, Peterburg and Tawney Town, to Frederick Town, in Maryland, and thence to Leesburg, in Virginia : From Wilmington, in the State of Delaware, New Castle, Cantwell's bridge and Duck Creek, to Dover ; and from thence, by Frederica, Millford, Daggsborough, Snowhill, Horntown, and Accomack Court house, to Northampton Court house : and thence, to Norfolk, Hampton or York Town : From Philadelphia, by Wilmington, Middletown, Warwick, Georgetown, Cross Roads, Chestertown, Chester mills, Easton, Vienna and Salisbury, to Snowhill ; and from Snowhill to Princess Ann ; and thence to Salisbury ; and from Chestertown to Baltimore, at all times, when a stage passes between those two places : From Hartford to Bellair : From Baltimore to Annapolis, Upper Marlborough, Piscataway, Port Tobacco, Allen's Fresh, Newport, and Chaptico, to Leonard Town : From Baltimore to York Town in Pennsylvania : From Baltimore, by Frederick Town and Hagerstown, to Chambersburg : From Hagerstown, by Sharpsburg, to Shepherdstown : From Fredericktown, by Peterstown, and Montgomery Court house, to Georgetown, on Potowmac : From Hagerstown, by Hancock, Oldtown, Cumberland, Morgantown, in Virginia, and Union Town in Pennsylvania to Brownville on the Monangahela ; from Alexandria, by Salisbury, Leesburg, Shepherdstown, Martinsburg, Winchester, Stevensburg, Strasburg, Woodstock and Rockingham Court house, to Staunton ; from Fredericksburg, by Portroyal, to Tappahan-

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noek ; thence across the Rappahannock, to Richmond Court house, Westmoreland Courthouse, Kinsale on Yeocomico and Northumberland Courthouse, to Lancaster Courthouse : thence recrossing the Rappahannock, to Urbanna, and from Urbanna to Gloucester Courthouse ; from Fredericksburg, by Culpeper and Orange Courthouses, to Charlottesville ; From Todd's bridge to Tappahannock : From Richmond, by Williamsburg, York-town and Hampton, to Norfolk : From Richmond, by Columbia and Charlottesville, to Staunton ; thence to Lexington, Fincastle, Montgomery Court-house, Wythe Court-house, and Abingden, to Jonesborough, in the territory southwest of the Ohio ; thence by Greenville and Jefferson Court house, to Knoxville : From Staunton to Bath Court house ; thence to the Sweet Springs ; and thence to Greenbriar Court house : From Richmond, by Powhatan Court house, Cumberland Court house, Prince Edward Court house, Lynchburg, New London and Liberty, to Fincastle : From Prince Edward Court house, by Charlotte Court house, Halifax Court house and Pittsylvania Court house, to Martinsburg ; & thence to Bethania : From Martinsburg to Liberty : From Osborne's to Bermuda Hundred : From Petersburg, by Cabin Point Smithfield & Suffolk, to Portsmouth & Norfolk : From Smithfield, by Southampton Court-house, to Greenville Court-house ; From Petersburg to Halifax, in North-Carolina : From Goldson's, by Saint Tammany's : From Suffolk, by Edenton, Plymouth, Washington and Newbern, to Wilmington : From Edenton, by Hertford, Nixonton, Sawyer's Ferry in Camden county, to Indian Town in Currituck county : From Halifax to Princeton and Marfreeborough, on Meherrin river : From Halifax, by Blount's ville, Williamston and Dailey's to Plymouth : From Halifax, by Warrenton, Oxford, Hillsborough, Martinville and Salem, to Salisbury : From Salisbury, by Cabarras Court-house, to Charlotte, to return by Iredell Court-house, to Salisbury : From Salisbury to Fayetteville, to go and return by the following rout, alternately ; by Montgomery, Anson and Richmond Court-houses, to Fayetteville ; thence by Moore and Randolph Court-houses, back to Salisbury : From Halifax, by Tarborough and Greenville, to Washington : and from Tarborough to Lewisburg ; From Newbern, by Kinston, Wayne'sborough and Smithfield, to Raleigh : From Raleigh, by Chapel-hill, to Hillsborough ; and from Chapel hill, to Chatham Court-house : From Hillsborough, by Person Court-house, Caswell Court-house and Rockingham Court-house, to Germanton : From Fayetteville to Wilmington ; the mail to go alternately by Elizabethtown, and return by South Washington, the cross-roads near Duplin Court-house and Sampson Court-house : From Salem, by Bethania, Huntsville, Rockford and Wilkes, to Morganton, in North-Carolina : From Camden, by Statesburg, to Charleston : From Charleston, by Coosawatchy to Sister's Ferry, on Savannah river, and thence to the post road from Augusta to Savannah : and from Coosawatchy to Beaufort : From Columbia by Orangeburg, to Charleston : From



Columbia to Newbury Court-house and Laurens Court-house, to Greenville Court-house : From Edgefield Court-house to Cambridge, and thence by Abbeville Court-house to Pendleton Court-house : From Columbia, by Winnsborough, Pinckney Court-house, Spartan Court-house and Grenville Court-house, to Washington Court-house : From Washington Court-house, by Pendleton Court-house, to Hatton's ford, on Tugeloo river ; and thence by Franklin Court-house, Elberton and Perterzburg, to Washington, in Georgia : From Augusta to Washington, thence to Greensborough ; and thence by the great falls of Ogechee and Georgetown, to Augusta.

*Provided*, That until the Postmaster-General shall have made provision for the regular transportation of the mail from Wheeling to Limestone; the present post road from Abington to Danville in Kentucky, shall be continued : And if such provision cannot be made within a reasonable time, then the post-road shall be extended from Danville, to Frankford and Lexington ; and thence to Washington. May 8, 1794, c. 23, § 1.

2. It shall be lawful for the Postmaster-General to provide, by contract, for the carriage of a mail on any road on which a stage waggon or other stage-carriage shall be established, on condition that the expence thereof shall not exceed the revenue thence arising.

It shall also be lawful for the Postmaster-General to enter into contracts for a term not exceeding 8 years, for extending the line of posts, and to authorise the persons so contracting, as a compensation for their expences, to receive, during the continuance of such contracts, at rates, not exceeding those for like distances established by this act, all the postage which shall arise on letters, newspapers, magazines, pamphlets and packets, conveyed by any such post. And the roads designated in such contracts shall, during the continuance thereof, be deemed and considered as post roads, within the provisions of this Act : And a duplicate of every such contract, shall within 60 days after the execution thereof, be lodged in the office of the Comptroller of the Treasury of the U. S. *ibid.* § 2.

3. The following are hereby established, as post-roads, namely : From Pitt's-town in the district of Maine, to Wiscasset ; and from Hallowell in the said district, to Norridgeworth : From Dover in New-Hampshire through Berwick, to Waterborough Court-house, and from thence to Kennebunk : From Portsmouth, through Dover, Rochester and Moultonborough, to Plymouth ; and from Plymouth to Portsmouth, by New-Hampton, Meredith, Gilman-town, Nottingham and Durham ; the post to go and return on the said route alternately : From Fishkill by Newburgh and New-Windfor to Goshen : From Cooper's Town by Butternut-creek and Oxford Academy to Union-Town : From Piper's on the post-road from Philadelphia to Bethlehem by Alexandria to Pittston in New-Jersey : From Brown'sville in Pennsylvania, to the town of Washington ; From Reading, by Sunbury, and the town of

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Northumberland, to Lewisburg, commonly called Der'stown, on the Susquehannah: From York-Town, through Abbot'stown, and Gettisburg, to Hager'stown in Maryland; and from Hager'stown, through Williamsport, to Martinsburg in Virginia: From Annapolis, by lower Marlborough, to Calvert Court house, and from thence to Saint Leonard's creek: From Bladensburgh in Maryland through Upper Marlbro to Nottingham and from thence to the town of Benedict: From Belle-Air in Harford county, Maryland, to the Black horse, on the York and Baltimore road: From Gloucester Court house, in Virginia, to York Town: From Powhatan Court house, to Carter'sville: From Charlottesville, by Warren, Warminster, New-market, Amherst Court house, Cabell'sburgh, and Madison to Lynchburg: From Winchester, through Romney, to Moorfields: From Charlotte in North-Carolina, by Lancaster Court house, to Camden in South-Carolina; and from Charlotte, to Lincolnton. Feb. 25, 1795, c. 95, § 1.

4. Instead of the road from Fayetteville, by Lumberton to Cheraw Court house, the route of the post shall hereafter be on the most direct road from Fayetteville to Cheraw Court house: and that the Postmaster-General shall have authority to discontinue the post road, from Lumberton to Cheraw Court house, and from Hager'stown to Sharpsburg in Maryland. That if, in the opinion of the Postmaster-General, an alteration in the post-road from Cumberland in Maryland, to Morganstown in Virginia, and from thence, by Union-Town in Pennsylvania, to Brownville on the Monongahela, could be made more conducive to the public interest, than the present route, yet so as to afford the same accommodation to the said places, he shall be authorized, with the consent of the present contractor for carrying the mail, to make such alteration. *ibid.* § 2.

5. The following post-roads shall be discontinued, namely: From Blue-hill, in Maine, to Penobscot, Frankfort and Belfast; From Bard's-town in Kentucky to Nashville in Tennessee; From Taunton to Providence: From Bethlehem, by Reading, to Lancaster; From Elkton to Warwick; From Georgetown, to Cheraw Court house; From Bethlehem to Wilkesbanc; From Plymouth to Windsor. From Winton by the bridge on Bennett's creek to R. Mitchell's; From Mecklenburg to Halifax Court house; From Richmond, by New-Castle, to Aylett's Ware-house; From Morgantown, by Lincoln-town, to Pinckney Court house; From Springfield, by Northampton, Brattleborough and Charleston, by Windsor, in Vermont, to Hanover. March 3, 1797, c. 73, § 1.

6. The following shall be established as post-roads, namely: from Blue-hill, in Maine, through Castine, penobscot, Buckston, Frankford and Prospect, to Belfast; From Hallowell, in Maine to Farmington, on Sandy-river; from Portland, in Maine, by, Falmouth, Gorham, Buxton and Standish, to Limerick; from Berwick, in Maine, through Lebanon, Shapleigh and Parsonfield, to Limerick; from Standish, by Flint's-town, to Fryburg-academy; from Sandwich, by Famworth and Conway, in New-Hamp-

shire, to Fryburg, in Massachusetts; from Portsmouth to Dover, in New-Hampshire; From Newburyport to Harverhill; and from Harverhill, by Kingston, Exeter, Newmarket and Durham, to Dover; from Yarmouth, by Dennis, Harwich and Chatham, to Truro; from Worcester, in Massachusetts, by Peterham and North field, to Brattleborough, in Vermont; from Newport, in Rhode-Island, through Taunton, Norton, Mansfield and Sharon, to Boston; from Boston, through Charlestown, Medford, Woburn, Billerica, Chelmsford and Tyngsborough in Massachusetts, to Amherst in New-Hampshire; from Windsor, in Vermont, by Royalton, Randolph, Williamston and Montpelier, to Burlington; from New-Haven, in Connecticut, by such route as the post-master shall deem expedient, to Litchfield and Sheffield, in Massachusetts; from New-York, by Whiteplains, Bedford, Frederickstown, Dover, Sharon, Sheffield, Stockbridge, Pittsfield and Williamston, to Bennington in Vermont: from Lansingburg in New-York, by Waterford, Stillwater, Fort Edward, White Hall landing, and Fairhaven, to Rutland, in Vermont; from New York, to Hackensack, Paramus, New Antrim, thence to Chester and Goshen; from Lansingburg, by Salem, Fairhaven, Vergennes and Basin harbour, to Plattsburg; from Plattsburg to Pliny Moore's in the town of Champlain; from Schenectada, by Balltown Springs and Glen's bridge to Sandy hill; from Old Fort Schuyler, in New York, by Cincinnatus, to Oxford academy, on the Chenango; from Rome, in the state of New York, to Rotterdam, on the Onedia Lake; from Philadelphia, to Tuckerton, in New Jersey; from Bristol, in Pennsylvania, to Burlington, in New Jersey; from Bethlehem, by Easton, to Wilkesbarre, in Pennsylvania; from Harrisburg upon the east side of the Susquehannah river, to Clark's ferry, at Petersburg, by Millerstown, Thompsonstown, Mifflintown, Lewistown, and Huntingdon, to Alexandria; from thence by Centre Furnace and Bellefont, to Milesburg, on the Bald Eagle river, at the mouth of Springcreek; from thence by Aaronsburg, Mifflinburg, Lewisburg (Deerston) and Northumberland, to Sunbury, and from thence down the eastside of the Susquehannah river, to Harrisburg; from Somerset, through Connellsville, to Union town, and from Bedford, in Pennsylvania, the mail shall be carried through Somerset, to Greensburg, after the expiration of the present contract for carrying the mail; from Baltimore, by Ellicot's lower mills, Montgomery Court house and Charlesburg, to Leesburg in Virginia; from Morgantown, in Virginia, to Clarksburg, in Harrison County; from Leesburg, by Middleburg, in Loudon county, by Fauquier Court house, to Culpeper Court house; from Petersburg, by Sussex Court house, and Southampton Courthouse, to South Quay; from Richmond, by Hanover town, to Aylett's Warehouse; from Todds'bridge to King and Queen Courthouse; from Halifax Courthouse, in Virginia, by Danville, to Caswell Courthouse, in North Carolina; from Newbern to Beaufort and Swanborough, the mail to go alternately; and from

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Wilmington, in North Carolina, by Georgetown to Charleston, in South Carolina; from Jonesburg, in North Carolina, by North West River Bridge, Great Bridge, and Kempsville, to Norfolk, from Elizabeth city, in North Carolina, by New Lebanon, to North West River Bridge; from Morgantown, by Rutherfordton, to Spartan courthouse, in South Carolina, and from Charlotte, by Lincolnton, to Iredell; from Bethania, in North Carolina, by Grayson courthouse, to Wythe courthouse, in Virginia: from Mecklenberg courthouse, to return by Lunenburg courthouse and Edmond's store, to Goldson's; from Augusta, in Georgia, by Robison's at the White Ponds and Gillet's mill, to Coosawatchie, in South Carolina; from Moffet's store, in Tennessee, to Danville, in Kentucky; from Knoxville, by South-west Point, and fort Blount, to Nashville; from Winton, by Windsor, to Edenton; from Murfree'sborough, by South Quay, to Suffolk, in Virginia; from Fayetteville to Pittsburg, in Chatham county; from Nottingham to Lower Marlborough in Maryland; from Benedict to Chaptico, by Charlottehall academy; from Allen's fresh, in Maryland by Laidlor's ferry, to Port Conway, in Virginia; from Waynesborough to Louisville, by Georgetown to Rock landing, in Georgia, from Kanondaugua, in the state of New York, to Niagara; from Suffield, in Connecticut, by Northampton, Battleborough and Charlestown, by Windsor, in Vermont, to Hanover; from Springfield, by West Springfield, to Northampton; and the route of the mail, from Easton, on the Eastern Shore of Maryland, to Vienna, shall be through New market. *ibid.* § 2. See *Post office. art.* 30, 32.

## Privateering.

**I**F any citizen or citizens of the U. S. shall without the limits of the same, fit out and arm, or attempt to fit out and arm, or procure to be fitted out and armed, or shall knowingly aid, or to be concerned in the furnishing, fitting out or arming, any private ship or vessel of war, with intent that such ship or vessel shall be employed to cruize or commit hostilities, upon the subjects, citizens, or property of any prince or State with whom the U. S. are at peace, or upon the citizens of the U. S. or their property, or shall take the command of, or enter on board of any such ship or vessel for the intent aforesaid, or shall purchase an interest in any vessel so fitted out and armed, with a view to share in the profits thereof, such person or persons, so offending, shall, on conviction thereof, be adjudged guilty of a high misdemeanor, and shall be punished by a fine not exceeding 10,000 dollars and imprisonment not exceeding 10 years: And the trial for such offence, if committed without the limits of the U. S.

shall be in the district where the offender shall be apprehended or first brought. June 14, 1797, c. 1, § 1.

2. Nothing in the foregoing act shall be construed to prevent the prosecution or punishment of treason, or any piracy defined by a treaty or other law of the U. S. *ibid.* § 2.



## Quarantine & Health Laws.

1. **T**HE quarantines and other restraints, which shall be required and established by the health laws of any state or pursuant thereto respecting any vessels arriving in, or bound to, any port or district thereof, whether from a foreign port or place, or from another district of the U. S. shall be duly observed by the collectors, and all other officers of the revenue of the U. S. appointed and employed for the several collection districts of such state respectively, and by the masters and crews of the several revenue cutters, and by the military officers who shall command in any fort or station upon the sea coast; and all such officers of the U. S. are, authorized and required, faithfully to aid in the execution of such quarantines and health laws, according to their respective powers and precincts, and as they shall be directed from time to time by the Secretary of the Treasury of the U. S. And the said Secretary shall be authorized, when a conformity to such quarantines and health laws shall require it, and in respect to vessels which shall be subject thereto, to prolong the terms limited for the entry of the same, and the report or entry of their cargoes, and to vary or dispense with any other regulations applicable to such reports or entries: *Provided*, that nothing herein shall enable any state to collect a duty of tonnage or impost, without the consent of the Congress of the U. S. thereto: *And provided*, that no part of the cargo of any vessel shall, in any case, be taken out, or unladen therefrom, otherwise than as by law is allowed, or according to the regulations hereinafter established. Feb. 25, 1799, c. 118, § 1.

2. When, by the health laws of any state, or by the regulations which shall be made pursuant thereto, any vessel arriving within a collection district of such state, shall be prohibited from coming to the port of entry or delivery by law established for such district, and it shall be required or permitted by such health laws, that the cargo of such vessel shall or may be unladen at some other place within or near to such district, the collector authorized therein after due report to him of the whole of such cargo, may grant his special warrant or permit for the unloading and discharge thereof under the care of the surveyor, or of 1 or more inspectors, at some others place where such health laws shall permit, and upon the conditions and restrictions which shall be directed by the

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Secretary of the Treasury, or which such collector may, for the time, reasonably judge expedient for the security of the public revenue : *Provided*, that in every such case, all the articles of the cargo so to be unladen, shall be deposited, at the risk of the parties concerned therein, in such public, or other ware houses or inclosures, as the collector shall designate, there to remain under the joint custody of such collector, and of the owner or owners, or master, or other person having charge of such vessel, until the same shall be entirely unladen or discharged : and until the goods, wares or merchandize which shall be so deposited may be safely removed, without contravening such health laws ; and when such removal may be allowed, the collector having charge of such goods, wares or merchandize, may grant permits to the respective owners or consignees, their factors or agents, to receive all goods, wares or merchandize, which shall be entered, and whereof the duties accruing shall be paid or secured, according to law, upon the payment by them of a reasonable rate of storage ; which shall be fixed by the Secretary of the Treasury for all public ware houses and inclosures. *ibid.* § 2.

3. There shall be purchased or erected, under the orders of the President of the U. S. suitable ware houses, with wharves and inclosures, where goods and merchandize may be unladen and deposited, from any vessel which shall be subject to a quarantine, or other restraint, pursuant to the health laws of any state as aforesaid at such convenient place or places therein, as the safety of the public revenue, and the observance of such health laws may require. *ibid.* § 3.

4. When, by the prevalence of any contagious or epidemical disease, in or near the place by law established, as the port of entry for any collection district, it shall become dangerous or inconvenient for the collector and the other officers of the revenue employed therein, to continue the discharge of their respective offices at such port, the Secretary, or in his absence, the Comptroller of the Treasury of the U. S. may direct and authorize the removal of the collector, and the other officers employed in his department, from such port, to any other more convenient place, within, or as near as may be to such collection district, where such collector and officers may exercise the same authorities, and shall be liable to the same duties, according to existing circumstances, as in such lawful port or district ; and of such removal, public notice shall be given as soon as may be. *ibid.* § 4.

5. It shall be lawful for the judge of any district court of the U. S. within whose district any contagious or epidemical disease shall at any time prevail so as in his opinion, to endanger the life or lives of any person or persons confined in the prison of such district, in pursuance of any law of the U. S. to direct the marshal to cause the person or persons confined as aforesaid, to be removed to the next adjacent prison where such disease does not prevail, there to be confined, until he, she or they may safely be removed back to



the place of their first confinement ; which removals shall be at the expense of the U. S. *ibid.* § 5,

6. In case of the prevalence of a contagious or epidemical disease at the seat of government, it shall be lawful for the president of the U. S. to permit and direct the removal of any or all the public officers to such other place or places as, in his discretion, shall be deemed most safe and convenient for conducting the public business. *ibid.* § 6.

7. Whenever in the opinion of the chief justice, or in case of his death, or inability, of the senior associate justice of the supreme court of the U. S. a contagious sickness shall render it hazardous to hold the next stated session of the said court at the seat of government, it shall be lawful for the chief or such associate justice, to issue his order to the marshal of the district within which the supreme court is by law to be holden, directing him to adjourn the said session of the said court to such other place within the same, or an adjoining district, as he may deem convenient ; and the said marshal shall thereupon adjourn the said court, by making publication thereof in 1 or more public papers printed at the place by law appointed for holding the same, from the time he shall receive such order, until the time by law prescribed for commencing the said session. And the district judges shall, respectively, under the same circumstances, have the same power, by the same means, to direct adjournments of the district and circuit courts within their several districts, to some convenient place within the same, respectively. *ibid.* § 7.

8. The act, intituled " An act relative to quarantine," passed in the 1st § of the 4th Congress of the U. S. is hereby repealed. *ibid.* § 8.

## Records &c. Authentication of.

THE acts of the legislatures of the several states shall be authenticated by having the seal of their respective states affixed thereto : The records and judicial proceedings of the courts of any state, shall be proved or admitted in any other court within the U. S. by the attestation of the clerk, and the seal of the court annexed, if there be a seal, together with a certificate of the judge, chief justice, or presiding magistrate, as the case may be, that the said attestation is in due form. And the said records and judicial proceedings authenticated as aforesaid, shall have such faith and credit given to them in every court within the U. S. as they have by law or usage in the courts of the state from whence the said records are or shall be taken. May 26, 1790, c. 11.

## Representatives, Apportionment of.

**A**FTER the 3d March 1793, the House of Representatives shall be composed of members elected agreeably to a ratio of one member for every 33,000 persons in each state, computed according to the rule prescribed by the constitution, that is to say: within the state of New Hampshire, 4; within the state of Massachusetts, 14; within the state of Vermont, 2; within the state of Rhode-Island 2; within the state of Connecticut, 7; within the state of New-York, 10; within the state of New-Jersey, 5; within the state of Pennsylvania, 13; within the state of Delaware, 1; within the state of Maryland, 8; within the state of Virginia, 19; within the state of Kentucky, 2; within the state of North-Carolina, 10; within the state of South-Carolina, 6; and within the state of Georgia, 2 members. April 14, 1792, c. 23.

## Refugees

*from Canada & Nova-Scotia.*

**1.** **T**O satisfy the claims of certain persons claiming lands under the resolutions of Congress, of the 23d April, 1783, and the 13th April, 1785, as refugees from the British provinces of Canada and Nova-Scotia, the Secretary of the Department of War, is hereby authorized and directed, to give notice in 1 or more of the public papers of each of the states of Vermont, Massachusetts, New-York, New Hampshire, and Pennsylvania, to all persons having claims under the said resolutions, to transmit to the War office, within 2 years after the passing of this act, a just and true account of their claims to the bounty of Congress. April 7, 1798, c. 43, § 1.

**2.** No other persons shall be entitled to the benefit of the provisions of the act, than those of the following descriptions, or their widows and heirs, viz. First; those heads of families, and single persons, not members of any such families, who were residents in 1 of the provinces aforesaid, prior to the 4th July 1776, and who abandoned their settlements, in consequence of having given aid to the United Colonies or States, in the revolutionary war against Great Britain, or with intention to give such aid, and continued in the U. S. or in their service, during the said war, and did not return to reside in the dominions of the king of Great Britain, prior to the 25th Nov. 1783. Secondly, the widows and heirs of all such persons as were actual residents, as aforesaid, who abandoned their settlements as aforesaid, and died within the U. S. or in their service, during the said war: And thirdly, all persons who were members of families at the time of

their coming into the U. S. and who, during the war, entered into their service. *ibid.* § 2.

3. The proof of the several circumstances necessary to entitle the applicants to the benefits of this act, may be taken before a judge of the supreme or district court, of the U. S. or a judge of the supreme or superior court, or the first justice or first judge of the court of common pleas or county court of any state. *ibid.* § 3.

4. At the expiration of 15 months, from the passing of this act, and from time to time thereafter, it shall be the duty of the Secretary for the Department of War, to lay such evidence of claims as he may have received, before the Secretary and Comptroller of the Treasury, and with them, proceed to examine the testimony, and give their judgment what quantity of land ought to be allowed to the individual claimants, in proportion to the degree of their respective services, sacrifices and sufferings, in consequence of their attachment to the cause of the U. S. allowing to those of the first class, a quantity not exceeding 1000 acres; and to the last class, a quantity not exceeding 100, making such intermediate classes as the resolutions aforesaid, and distribute justice, may, in their judgment, require, and make report thereof to Congress. And in case any such claimant shall have sustained such losses and sufferings, or performed such services for the U. S. that he cannot justly be classed in any one general class, a separate report shall be made of his circumstances, together with the quantity of land that ought to be allowed him, having reference to the foregoing ratio: *Provided*, That in considering what compensation ought to be made by virtue of this act, all grants, except military grants, which may have been made by the U. S. or individual states, shall be considered at the just value thereof, at the time the same were made, respectively, either in whole or in part, as the case may be, a satisfaction to those who may have received the same: *Provided also*, that no claim under this law, shall be assignable until after report made to Congress, as aforesaid, and until the said lands be granted to the persons entitled to the benefit of this act. *ibid.* § 4.

5. All claims, in virtue of said resolutions of Congress, which shall not be exhibited as aforesaid, within the time by this act limited, shall forever thereafter be barred. *ibid.* § 5.

## Registering & Recording Of Vessels.

1. SHIPS or vessels, which shall have been registered by virtue of the act, intitled, "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," and those which after the last day of March next, shall be registered, pursuant to this act, and no other (except such as shall be



duly qualified, according to law, for carrying on the coasting trade and fisheries, or one of them) shall be denominated and deemed ships or vessels of the U. S. entitled to the benefits and privileges appertaining to such ships or vessels; *Provided*, That they shall not continue to enjoy the same, longer than they shall continue to be wholly owned, and to be commanded by a citizen or citizens of the said states. Dec. 31, 1792, c. 1 § 1.

2. Ships or vessels built within the U. S. whether before, or after, the 4th July, 1776, and belonging wholly to a citizen or citizens thereof, or not built within the said states, but on the 16th day of May, 1789, belonging, & thenceforth continuing to belong to a citizen or citizens thereof, and ships or vessels, which may hereafter be captured in war, by such citizen or citizens, and lawfully condemned as prize, or which have been or may be adjudged to be forfeited for a breach of the laws of the U. S. being wholly owned by a citizen or citizens thereof, and no other, may be registered as herein after directed: *Provided*, That no such ship or vessel shall be entitled to be so registered, or if registered, to the benefits thereof, if owned in whole, or in part, by any citizen of the U. S. who usually resides in a foreign country, during the continuance of such residence, unless such citizen be in the capacity of a consul of the U. S. or an agent for, and a partner in, some house of trade or co-partnership, consisting of citizens of the said states actually carrying on trade within the said states: *And provided*, That no ship or vessel, built within the U. S. prior to the said 16th May, which was not then owned wholly, or in part, by a citizen or citizens of the U. S. shall be capable of being registered, by virtue of any transfer to a citizen or citizens, which may hereafter be made, unless by way of prize or forfeiture: *Provided*, That this shall not be construed to prevent the registering anew, of any ship or vessel, which was before registered, pursuant to the act before mentioned. *ibid.* § 2.

3. Every ship or vessel, hereafter to be registered (except as is herein after provided) shall be registered by the collector of the district in which shall be comprehended the port to which such ship or vessel shall belong, at the time of her registry, which port shall be deemed to be that, at or nearest to which, the owner, if there be but 1, or if more than 1, the husband or acting and managing owner of such ship or vessel, usually resides. And the name of the said ship or vessel, and of the port to which she shall so belong, shall be painted on her stern, on a black ground, in white letters, of not less than 3 inches in length. And if any ship or vessel of the U. S. shall be found, without having her name, and the name of the port, to which she belongs, painted in manner aforesaid, the owner or owners shall forfeit 50 dollars; one half to the person giving the information thereof, the other half to the use of the U. S. *ibid.* § 3.

4. In order to the registry of any ship or vessel, an oath or affirmation shall be taken and subscribed by the owner, or by one of the owners thereof, before the officer authorized to

make such registry, who is hereby empowered to administer the same, declaring, according to the best of the knowledge and belief of the person so swearing or affirming, the name of such ship or vessel, her burthen, the place where she was built, if built within the U. S. and the year in which she was built; and if built within the U. S. before the said 16th May, 1789, that she was then owned wholly, or in part, by a citizen or citizens of the U. S. and if not built within the said states, that she was, on the said 16th May, and ever since hath continued to be, the entire property of a citizen or citizens of the U. S. or, that she was, at some time posterior to the time when this act shall take effect (specifying the said time) captured in war by a citizen or citizens of the said states, and lawfully condemned as prize (producing a copy of the sentence of condemnation, authenticated in the usual forms) or that she has been adjudged to be forfeited for a breach of the laws of the U. S. (producing a like copy of the sentence whereby she shall have been so adjudged) and declaring his or her name and place of abode, and if he or she be the sole owner of the said ship or vessel, that such is the case; or if there be another owner or other owners, that there is or are such other owner or owners, specifying his, her, or their name or names, and place or places of abode, and that he, she, or they, as the case may be, so swearing or affirming, is or are citizens of the U. S. and where an owner resides in a foreign country, in the capacity of a consul of the U. S. or as an agent for, and a partner in, a house of co-partnership, consisting of citizens of the U. S. and actually carrying on trade within the U. S. that such is the case, and that there is no subject or citizen of any foreign prince or state, directly, or indirectly, by way of trust, confidence, or otherwise, interested in such ship or vessel, or in the profits, or issues thereof; and that the master, or commander thereof is a citizen, naming the said master, or commander, and stating the means whereby, or manner in which he is so a citizen. And in case, any of the matters of fact, in the said oath or affirmation alleged, which shall be within the knowledge of the party, so swearing, or affirming, shall not be true, there shall be a forfeiture of the ship or vessel, together with her tackle, furniture and apparel, in respect to which, the same shall have been made, or of the value thereof, to be recovered, with costs of suit, of the person, by whom such oath or affirmation shall have been made: *Provided*, That if the master, or person having the charge or command of such ship or vessel, shall be within the district aforesaid, when application shall be made for registering the same, he shall, himself, make oath, or affirmation, instead of the said owner, touching his being a citizen, and the means whereby, or manner in which, he is so a citizen: in which case, if what the said master, or person having the said charge or command, shall so swear or affirm, shall not be true, the forfeiture aforesaid shall not be incurred, but he shall, himself, forfeit and pay, by reason thereof, the sum of 1000 dollars: *And Provided*, That in the case of a ship, or vessel, built

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within the U. S. prior to the 16th May aforesaid, which was not then owned by a citizen, or citizens of the U. S. but which, by virtue of a transfer to such citizen, or citizens, shall have been registered, pursuant to the act before mentioned, the oath or affirmation, hereby required, shall and may be varied, according to the truth of the case, as often as it shall be requisite to grant a new register, for such ship or vessel. *ibid.* § 4.

5. It shall be the duty of every owner, resident within the U. S. of any ship or vessel, to which a certificate of registry may be granted, (in case there be more than 1 such owner) to transmit to the collector, who may have granted the same, a like oath or affirmation with that herein before directed to be taken and subscribed by the owner, on whose application, such certificate shall have been granted, and within 90 days after the same may have been so granted; which oath or affirmation may, at the option of the party, be taken and subscribed, either before the said collector or before the collector of some other district, or a judge of the supreme, or a district court of the U. S. or of a superior court of original jurisdiction of some 1 of the states. And if such oath or affirmation shall not be taken, subscribed and transmitted, as is herein required, the certificate of registry, granted to such ship or vessel, shall be forfeit and void. *ibid.* § 5.

6. Before any ship or vessel shall be registered, she shall be measured by a surveyor, if there be one, or by the person he shall appoint, at the port or place where the said ship or vessel may be, and if there be none, by such person as the collector of the district, within which she may be, shall appoint. (*For the mode of ascertaining the tonnage of vessels. See Duties, collection of. art. 64.*) And the officer, or person, by whom such admeasurement shall be made, shall, for the information of, and as a voucher to the officer by whom the registry is to be made, grant a certificate, specifying the built of such ship or vessel, her number of decks and masts, her length, breadth, depth, the number of tons she measures, and such other particulars as are usually descriptive of the identity of a ship or vessel; and that her name, and the place to which she belongs, are painted on her stern, in manner required by the 3rd § of this act; which certificate shall be countersigned by an owner, or by the master of such ship or vessel, or by some other person, who shall attend her admeasurement, on behalf of her owner or owners, in testimony of the truth of the particulars therein contained, without which, the said certificate shall not be valid. But in all cases, where a ship or vessel has before been registered, as a ship or vessel of the U. S. it shall not be necessary to measure her anew, for the purpose of obtaining another register; except such ship or vessel shall have undergone some alteration, as to her burthen, subsequent to the time of her former registry. *ibid.* § 6.

7. Previous to the registry of any ship or vessel, the husband or acting and managing owner, together with the master thereof, and 1 or more sureties, to the satisfaction of the collector of the dis-



trust, whose duty it is to make such registry, shall become bound to the U. S. if such ship or vessel shall be of burthen not exceeding 50 tons, in the sum of 400 dollars; if of burthen above 50 tons, and not exceeding 100, in the sum of 800 dollars; if of burthen above 100 tons, and not exceeding 200, in the sum of 1200 dollars; if of burthen above 200 tons, and not exceeding 300, in the sum of 1600 dollars; and if of burthen exceeding 300 tons, in the sum of 2000 dollars; with condition, in each case, that the certificate of such registry, shall be solely used for the ship, or vessel, for which it is granted, and shall not be sold, lent, or otherwise disposed of, to any person or persons whomsoever; & in case such ship or vessel shall be lost, or taken by an enemy, burnt, or broken up, or shall be otherwise prevented from returning to the port to which she may belong, the said certificate, if preserved, shall be delivered up, within 8 days after the arrival of the master, or person, having the charge or command of such ship or vessel, within any district of the U. S. to the collector of such district: And if any foreigner, or any person or persons, for the use and benefit of such foreigner, shall purchase, or otherwise, become entitled to the whole, or any part or share of, or interest in, such ship or vessel, the same being within a district of the U. S. the said certificate shall, in such case, within 7 days after such purchase, change, or transfer of property, be delivered up to the collector of the said district; and if any such purchase, change, or transfer of property, shall happen, when such ship or vessel shall be at any foreign port or place, or at sea, then the said master, or person having the charge or command thereof, shall, within 8 days after his arrival within any district of the U. S. deliver up the said certificate to the collector of such district; and every such certificate so deliver up, shall be forthwith transmitted to the Register of the Treasury, to be cancelled, who, if the same shall have been delivered up to a collector, other than of the district in which it was granted, shall cause notice of such delivery to be given to the collector of the said district. *ibid.* § 7.

8. In order to the registry of any ship or vessel, which, after the last day of March next, shall be built within the U. S. it shall be necessary to produce a certificate, under the hand of the principal or master carpenter, by whom, or under whose direction, the said ship or vessel shall have been built, testifying, that she was built by him, or under his direction, and specifying the place where, the time when, and the person or persons for whom, and describing her built, number of decks and masts, length, breadth, depth, tonnage, and such other circumstances, as are usually descriptive of the identity of a ship or vessel; which certificate shall be sufficient to authorize the removal of a new vessel, from the district where she may be built, to another district in the same, or an adjoining state, where the owner or owners actually reside, provided it be with ballast only. *ibid.* § 8.

9. The several matters herein before required, having been complied with, in order to the registering of any ship or vessel,

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the collector of the district comprehending the port to which she shall belong, shall make, and keep, in some proper book, a record or registry thereof, and shall grant an abstract or certificate of such record or registry, as nearly as may be, in the form following :

“ In pursuance of an act of the Congress of the United States of America, intituled, “ An act concerning the registering and recording of ships or vessels,” [inserting here the name, occupation, and place of abode, of the person by whom the oath or affirmation aforesaid, shall have been made] having taken or subscribed the oath (or affirmation) required by the said act, and having sworn (or affirmed) that he (or she, and if more than one owner, adding the words, “ together with,” and the name or names, occupation or occupations, place or places of abode, of the other owner or owners) is (or are) the only owner (or owners) of the ship or vessel, called the [inserting here her name] of [inserting here the port to which she may belong] whereof [inserting here the name of the master] is at present master, and is a citizen of the United States, and that the said ship or vessel was [inserting here, when and where built] and [inserting here, the name and office, if any, of the person by whom she shall have been surveyed or admeasured] having certified that the said ship or vessel has [inserting here, the number of decks] and [inserting here, the number of masts] and that her length is [inserting here, the number of feet] her breadth [inserting here the number of feet] her depth [inserting here, the number of feet] and that she measures [inserting here, her number of tons] that she is [describing here, the particular kind of vessel, whether ship, brigantine, snow, schooner, sloop, or whatever else, together with her built, and specifying whether she has any, or no gallery or head] and the said [naming the owner, or the master, or other person, acting in behalf of the owner or owners, by whom the certificate of admeasurement shall have been countersigned, as aforesaid] having agreed to the description and admeasurement, above specified, and sufficient security having been given, according to the said act, the said ship or vessel has been duly registered at the port of [naming the port where registered.] Given under my hand and seal, at [naming the said port] this [inserting the particular day] day of [naming the month] in the year [specifying the number of the year, in words at length:”] *Provided*, That if the master, or person having the charge or command of such ship or vessel, shall, himself, have made oath or affirmation touching his being a citizen, the wording of the said certificate shall be varied so as to be conformable to the truth of the case : *And provided*, That where a new certificate of registry is granted in consequence of any transfer of a ship or vessel, the words shall be so varied, as to refer to the former certificate of registry, for her admeasurement. *ibid.* § 9.

10. It shall be the duty of the Secretary of the Treasury, to cause to be prepared, and transmitted, from time to time, to the collectors of the several districts, a sufficient number of forms of

the said certificates of registry, attested under the seal of the Treasury, and the hand of the Register thereof, with proper blanks, to be filled by the said collectors, respectively, by whom also the said certificates shall be signed and sealed, before they shall be issued: and where there is a naval officer at any port, they shall be countersigned by him: and where there is a surveyor, but no naval officer, they shall be countersigned by him: and a copy of each shall be transmitted to the said Register, who shall cause a record to be kept of the same. *ibid.* 10.

11. Where any citizen or citizens of the U. S. shall purchase, or become owner or owners of any ship or vessel, entitled to be registered, by virtue of this act, such ship or vessel, being within any district, other than the one in which he or they usually reside, such ship or vessel shall be entitled to be registered by the collector of the district, where such ship or vessel may be, at the time of his or their becoming owner or owners thereof, upon his or their complying with the provisions herein before prescribed, in order to the registry of ships or vessels: And the oath or affirmation which is required to be taken, may, at the option of such owner or owners be taken, either before the collector of the district, comprehending the port to which such ship or vessel may belong, or before the collector of the district, within which such ship or vessel may be, either of whom is hereby empowered to administer the same: *Provided*, That whenever such ship or vessel shall arrive within the district, comprehending the port to which such ship or vessel shall belong, the certificate of registry, which shall have been obtained, as aforesaid, shall be delivered up to the collector of such district, who, upon the requisites of this act, in order to the registry of ships or vessels being complied with, shall grant a new one, in lieu of the first; and the certificate, so delivered up, shall forthwith be returned by the collector who shall receive the same, to the collector who shall have granted it: and if the said first mentioned certificate of registry shall not be delivered up, as above directed, the owner or owners, and the master of such ship or vessel, at the time of her said arrival within the district comprehending the port to which such ship or vessel may belong, shall, severally, forfeit the sum of two dollars, to be recovered, with costs of suit; and the said certificate of registry shall be thenceforth void. And in case any of the matters of fact, in the said oath or affirmation alledged, which shall be within the knowledge of the party so swearing or affirming, shall not be true, there shall be a forfeiture of the ship or vessel, together with her tackle, furniture and apparel, in respect to which, the same shall have been made, or of the value thereof, to be recovered, with costs of suit, of the person by whom such oath or affirmation shall have been made; *Provided always*, That if the master, or person having the charge or command of such ship or vessel, shall be within the district aforesaid, when application shall be made for registering the same, he shall, himself, make oath or affirmation, instead of the said owner, touching his being



a citizen, and the means whereby, or manner in which, he is so a citizen: in which case, if what the said matter, or person having the said charge or command, shall so swear or affirm, shall not be true, the forfeiture aforesaid shall not be incurred, but he shall, himself, forfeit and pay, by reason thereof, the sum of 1000 dollars. *ibid.* § II.

12. When any ship or vessel, entitled to be registered, pursuant to this act, shall be purchased by an agent or attorney for, or on account of a citizen or citizens of the U. S. such ship or vessel, being in a district of the U. S. more than 50 miles distant, taking the nearest usual route by land, from the comprehending the port to which, by virtue of such purchase, and by force of this act, such ship or vessel ought to be deemed to belong, it shall be lawful for the collector of the district, where such ship or vessel may be, and he is hereby required, upon the application of such agent or attorney, to proceed to the registering of the said ship or vessel, the said agent or attorney, first complying, on behalf, and in the stead of the owner or owners thereof, with the requisites prescribed by this act, in order to the registry of ships or vessels, except, that in the oath or affirmation, which shall be taken by the said agent or attorney, instead of swearing or affirming that he is owner, or an owner of such ship or vessel, he shall swear or affirm, that he is agent or attorney for the owner or owners thereof, and that he hath bona fide purchased the said ship or vessel, for the person or persons, whom he shall name and describe as the owner or owners thereof: *Provided nevertheless*, That whenever such ship or vessel shall arrive within the district comprehending the port to which such ship or vessel shall belong, the certificate of registry, which shall have been obtained, as aforesaid, shall be delivered up to the collector of such district, who, upon the requisites of this act, in order to the registry of ships or vessels, being complied with, shall grant a new one, in lieu of the first; and the certificate, so delivered up, shall forthwith be returned by the collector, who shall transmit the same to the collector who shall have granted it. And if the said first mentioned certificate of registry, shall not be delivered up, as above directed, the owner or owners, and the master of such ship or vessel, at the time of her said arrival within the district comprehending the port to which she may belong, shall, severally, forfeit the sum of 100 dollars, to be recovered, with costs of suit, and the said certificate of registry shall be thenceforth void. And in case, any of the matters of fact, in the said oath or affirmation alledged, which shall be within the knowledge of the party, so swearing or affirming, shall not be true, there shall be a forfeiture of the ship or vessel, together with her tackle, furniture and apparel, in respect to which, the same shall have been made, or of the value thereof, to be recovered, with costs of suit, of the person by whom such oath or affirmation shall have been made: *Provided always*, That if the master, or

person having the charge or command of such ship or vessel, shall be within the district aforesaid, when application shall be made for registering the same, he shall, himself, make oath or affirmation, instead of the said agent or attorney, touching his being a citizen, and the means whereby, or manner in which, he is so a citizen; in which case, if what the said master, or person having the said charge or command, shall so swear or affirm, shall not be true, the forfeiture aforesaid shall not be incurred, but he shall, himself, forfeit and pay, by reason thereof, the sum of 1000 dollars. *ibid.* § 12.

13. If the certificate of the registry of any ship or vessel shall be lost or destroyed or mislaid, the master or other person having the charge or command thereof, may make oath or affirmation, before the collector of the district where such ship or vessel shall first be, after such loss, destruction, or mislaying, who is hereby authorized to administer the same, which oath or affirmation shall be of the form following: "I (inserting here the name of the person swearing or affirming) being master (or having the charge or command) of the ship or vessel, called the (inserting the name of the vessel) do swear (or affirm) that the said ship, or vessel hath been, as I verily believe, registered, according to law, by the name of (inserting again the name of the vessel) and that a certificate thereof was granted by the collector of the district of (naming the district where registered) which certificate has been lost (or destroyed, or unintentionally and by mere accident mislaid, as the case may be) and (except, where the certificate is alledged to have been destroyed) that the same, if found again, and within my power, shall be delivered up to the collector of the district, in which it was granted;" which oath or affirmation, shall be subscribed by the party making the same, and upon such oath or affirmation being made, and the other requisites of this act, in order to the registry of ships, or vessels, being complied with, it shall be lawful for the collector of the district, before whom such oath or affirmation is made, to grant a new register, inserting therein, that the same is issued, in the room of the one lost or destroyed. But in all cases, where a register shall be granted, in lieu of the one lost or destroyed, by any other than the collector of the district, to which the ship, or vessel actually belongs, such register shall, within ten days, after her first arrival within the district to which she belongs, be delivered up to the collector of the said district, who shall, thereupon grant a new register, in lieu thereof. And in case the master, or commander shall neglect to deliver up such register, within the time aforesaid, he shall forfeit 100 dollars; and the former register shall become null and void. *ibid.* § 13.

14. When any ship or vessel, which shall have been registered, pursuant to this act, or the act hereby, in part, repealed, shall, in whole, or in part, be sold or transferred to a citizen or citizens of the U. S. or shall be altered in form, or burthen, by being

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lengthened, or built upon, or from one denomination to another, by the mode or method of rigging or fitting, in every such case the said ship or vessel shall be registered anew, by her former name, according to the directions herein before contained, (otherwise she shall cease to be deemed a ship or vessel of the U. S.) and her former certificate of registry shall be delivered up to the collector to whom application for such new registry shall be made, at the time, that the same shall be made, to be by him transmitted to the Register of the Treasury who shall cause the same to be cancelled. And in every such case of sale or transfer, there shall be some instrument of writing in the nature of a bill of sale, which shall recite, at length, the said certificate, otherwise the said ship or vessel shall be incapable of being so registered anew. And in every case, in which a ship or vessel is hereby required to be registered anew, if she shall not be registered anew, she shall not be entitled to any of the privileges or benefits of a ship or vessel of the U. S. And further, if her said former certificate of registry shall not be delivered up, as aforesaid, except where the same may have been destroyed, lost, or unintentionally mislaid, and an oath or affirmation thereof shall have been made, as aforesaid, the owner or owners of such ship or vessel, shall forfeit and pay the sum of 500 dollars, to be recovered with costs of suit. *ibid.* § 14.

15. When the master, or person having the charge or command of a ship or vessel, registered pursuant to this act, or the act hereby in part repealed, shall be changed, the owner, or 1 of the owners, or the new master of such ship or vessel, shall report such change to the collector of the district where the same shall happen, or where the said ship or vessel shall first be, after the same shall have happened, and shall produce to him the certificate of registry of such ship or vessel, and shall make oath or affirmation, shewing that such new master is a citizen of the U. S. and the manner in which, or means whereby, he is so a citizen; whereupon the said collector shall endorse upon the said certificate of registry, a memorandum of such change, specifying the name of such new master, and shall subscribe the said memorandum with his name, and if other than the collector of the district, by whom the said certificate of registry shall have been granted, shall transmit a copy of the said memorandum to him, with notice of the particular ship or vessel, to which it shall relate; and the collector of the district, by whom the said certificate shall have been granted, shall make a like memorandum of such change, in his book of registers, and shall transmit a copy thereof, to the Register of the Treasury. And if the said change shall not be reported, or if the said oath or affirmation shall not be taken, as above directed, the registry of such ship or vessel shall be void, and the said master, or person, having the charge or command of her, shall forfeit and pay 100 dollars. *ibid.* § 15.

16. If any ship or vessel, heretofore registered, or which shall hereafter be registered, as a ship or vessel of the U. S. shall be



sold or transferred, in whole or in part by way of trust, confidence or otherwise, to a subject or citizen of any foreign prince or state, and such sale or transfer shall not be made known, in manner herein before directed, such ship or vessel, together with her tackle, apparel & furniture shall be forfeited: *Provided*, That if such ship or vessel shall be owned in part only, & it shall be made appear to the jury, before whom the trial for such forfeiture shall be had, that any other owner of such ship or vessel, being a citizen of the U. S. was wholly ignorant of the sale or transfer to, or ownership of, such foreign subject or citizen, the share or interest of such citizen of the U. S. shall not be subject to such forfeiture; and the residue only shall be so forfeited. *ibid.* § 16.

17. Upon the entry of every ship or vessel of the U. S. from any foreign port or place, if the same shall be at the port or place, at which the owner, or any of the part-owners reside, such owner or part-owner shall make oath or affirmation, that the register of such ship or vessel contains the name or names of all the persons, who are then owners of the said ship or vessel; or if any part of such ship or vessel has been sold or transferred, since the granting of such register, that such is the case, and that no foreign subject or citizen hath, to the best of his knowledge and belief, any share, by the way of trust, confidence, or otherwise, in such ship or vessel. And if the owner, or any part owner, shall not reside at the port or place, at which such ship or vessel shall enter, then the master or commander shall make oath or affirmation, to the like effect. And if the owner, or part-owner, where there is one, or the master or commander, where there is no owner, shall refuse to swear or affirm as aforesaid, such ship or vessel shall not be entitled to the privileges of a ship or vessel of the U. S. *ibid.* § 17.

18. In all cases, where the master, commander, or owner of a ship or vessel, shall deliver up the register of such ship or vessel, agreeable to the provisions of this act, if to the collector of the district, where the same shall have been granted, the said collector shall, thereupon, cancel the bond, which shall have been given at the time of granting such register; or, if to the collector of any other district, such collector shall grant to the said master, commander, or owner, a receipt or acknowledgement, that such register has been delivered to him, and the time, when; and upon such receipt being produced to the collector, by whom the register was granted, he shall cancel the bond of the party, as if the register had been returned to him. *ibid.* § 18.

19. The collector of each district shall progressively number the certificates of the registry by him granted, beginning anew, at the commencement of each year, and shall enter an exact copy of each certificate, in a book to be kept for that purpose; and shall, once in 3 months, transmit to the Register of the Treasury, copies of all the certificates, which shall have been granted by him, including the number of each. *ibid.* § 19.

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20. Every ship or vessel built in the U. S. after the 15th August 1789, and belonging wholly or in part, to the subjects of foreign powers, in order to be entitled to the benefits of a ship, built and recorded in the U. S. shall be recorded in the office of the collector of the district, in which such ship or vessel was built, in manner following; that is to say; The builder of every such ship or vessel shall make oath or affirmation, before the collector of such district, who is hereby authorized to administer the same, in manner following; "I (inserting here the name of such builder) of (inserting here the place of his residence) shipwright, do swear (or affirm) that (describing the kind of vessel, as whether ship, brig, snow, schooner, sloop, or whatever else) named (inserting here the name of the ship or vessel) having (inserting here the number of decks,) and being, in length (inserting here the number of feet) in breadth (inserting here the number of feet) in depth (inserting here the number of feet) and measuring (inserting here the number of tons) having (specifying, whether any or no) gallery, and (also specifying, whether any or no) head, was built by me, or under my direction, at (naming the place, county, and state) in the United States, in the year (inserting here the number of the year;)" which oath or affirmation, shall be subscribed by the person making the same, & shall be recorded in a book, to be kept, by the said collector, for that purpose. *ibid.* § 20.

21. The said collector shall cause the said ship or vessel to be surveyed or admeasured, (See the mode in. *Duties collection of.* art. 69.) and the person, by whom such admeasurement shall be made, shall grant a certificate thereof, as in the case of a ship or vessel to be registered; which certificate shall be countersigned by the said builder, and by an owner, or the master, or person having the command or charge thereof, or by some other person, being an agent for the owner or owners thereof, in testimony of the truth of the particulars therein contained. *ibid.* § 21.

22. A certificate of the said record, attested under the hand and seal of the said collector, shall be granted to the master of every such ship or vessel, as nearly as may be, of the form following: "In pursuance of an act, intituled, "An act concerning the registering and recording of ships or vessels," I (inserting here the name of the collector of the district) of (inserting here the name of the district) in the United States, do certify, that (inserting here the name of the builder) of (inserting here the place of his residence, county, and state) having sworn, or affirmed, that the (describing the ship or vessel, as in the certificate of record) named (inserting here her name) whereof (inserting here the name of the master) is, at present, master, was built at (inserting here the name of the place, county, and state, where built) by him, or under his direction, in the year (inserting here, the number of the year) and (inserting here, the name of the surveyor, or other person, by whom the same admeasurement shall have been made) having certified, that the said ship or vessel has (in-

serting here, her number of decks) is in length (inserting here, the number of feet) in breadth (inserting here, the number of feet) in depth (inserting here, the number of feet) and measures (inserting here, the number of tons): And the said builder and (naming and describing the owner, or master, or agent for the owner or owners, as the case may be, by whom the said certificate shall have been countersigned) having agreed to the said description and admeasurement, the said ship or vessel has been recorded, in the district of (inserting here, the name of the district, where recorded) in the United States; Witness my hand and seal, this (inserting here, the day of the month) day of (inserting here, the name of the month) in the year (inserting here, the number of the year;," which certificate shall be recorded in the office of the said collector, and a duplicate thereof transmitted to the Register of the Treasury of the U. S. to be recorded in his office. *ibid* § 22.

23. If the master, or the name, of any ship or vessel so recorded shall be changed, the owner, part-owner, or consignee of such ship or vessel, shall cause a memorandum thereof to be endorsed on the certificate of the record, by the collector of the district, where such ship or vessel may be, or at which she shall first arrive, if such change took place in a foreign country; and a copy thereof shall be entered in the book of records, a transcript whereof shall be transmitted, by the said collector, to the collector of the district, where such certificate was granted (if not the same person), who shall enter the same in his book of records, and forward a duplicate of such entry, to the Register of the Treasury of the U. S. and in such case, until the said owner, part-owner, or consignee, shall cause the said memorandum to be made, by the collector, in manner aforesaid, such ship or vessel shall not be deemed, or considered, as a vessel recorded, in pursuance of this act. *ibid.* § 23.

24. The master, or other person having the command or charge of any ship or vessel, recorded in pursuance of this act, shall on entry of such ship or vessel, produce the certificate of such record, to the collector of the district, where she shall be so entered; in failure of which, the said ship or vessel shall not be entitled to the privileges of a vessel, recorded as aforesaid: *Provided*, That nothing herein contained shall be construed to make it necessary to record, a second time, any ship or vessel, which shall have been recorded, pursuant to the act, hereby in part repealed: but such recording shall be of the like force and effect, as if made, pursuant to this act. *ibid.* § 24.

25. The fees and allowances, for the several services to be performed, pursuant to this act, and the distribution of the same, shall be as follows, to wit: For the admeasurement of every ship or vessel, of 100 tons, and under, 1 cent per ton; for the admeasurement of every ship or vessel, above 100 and not exceeding 200 tons, 150 cents; for the admeasurement of every ship or vessel, above 200 tons, 200 cents; for every certificate of registry or re-

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cord, 200 cents ; for every endorsement upon a certificate of registry or record, 100 cents ; and for taking every bond required by this act, 25 cents. The whole amount of which fees shall be received, and accounted for, by the collector, or, at his option, by the naval officer, where there is one ; and where there is a collector, naval officer, and surveyor, shall be equally divided, monthly, between the said officers ; and where there is no naval officer, two thirds to the collector, and the other third to the surveyor ; and where there is only a collector, he shall receive the whole amount thereof ; and where there is more than 1 surveyor in any district, each of them shall receive his proportionable part of such fees, as shall arise in the port, for which he is appointed : *Provided*, that, in all cases, where the tonnage of any ship or vessel shall be ascertained, by any person appointed for that purpose, such person shall be paid a reasonable compensation therefor, out of the fees aforesaid, before any distribution thereof, as aforesaid. And every collector and naval officer, and every surveyor, who shall reside at a port, where there is no collector, shall cause to be affixed, and constantly kept, in some conspicuous part of his office, a fair table of the rates of fees, demandable by this act. *ibid* § 25.

26. Every collector, or officer, who shall knowingly make, or be concerned in making, any false register or record, or shall knowingly grant, or be concerned in granting, any false certificate of registry or record of, or for any ship or vessel, or other false document whatsoever, touching the same contrary to the true intent and meaning of this act, or who shall designedly take any other, or greater fees, than are by this act allowed, or who shall receive any voluntary reward or gratuity, for any of the services performed, pursuant thereto ; and every surveyor, or other person appointed to measure any ship or vessel, who shall wilfully deliver to any collector, or naval officer, a false description of such ship or vessel, to be registered or recorded, shall, upon conviction of any such neglect, or offence, forfeit the sum of 1000 dollars, and be rendered incapable of serving in any office of trust or profit, under the U. S. and if any person or persons, authorized and required by this act, in respect to his or their office or offices, to perform any act or thing, required to be done or performed, pursuant to any of the provisions of this act, shall wilfully neglect to do or perform the same, according to the true intent and meaning of this act, such person or persons shall, on being duly convicted thereof, if not subject to the penalty and disqualification aforesaid, forfeit the sum of 500 dollars for the first offence, and a like sum for the second offence, and shall, thenceforth, be rendered incapable of holding any office of trust or profit under the U. S. *ibid.* § 26.

27. If any certificate of registry, or record, shall be fraudulently or knowingly used for any ship or vessel, not then actually intitled to the benefit thereof, according to the true intent of this

act, such ship or vessel shall be forfeited to the U. S. with her tackle, apparel, and furniture. *ibid.* § 27.

28. If any person or persons shall falsely make oath or affirmation, to any of the matters, herein required to be verified, such person or persons shall suffer the like pains and penalties as shall be incurred by persons committing wilful and corrupt perjury; and if any person or persons shall forge, counterfeit, erase, alter, or falsify any certificate, register, record, or other document, mentioned, described or authorized, in and by this act, such person, or persons, shall, for every such offence, forfeit the sum of 500 dollars. *ibid.* § 28.

29. All the penalties and forfeitures, which may be incurred, for offences against this act, shall and may be sued for, prosecuted and recovered, in such courts, and be disposed of, in such manner, as any penalties and forfeitures, which may be incurred, for offences against the act, intitled, "An act to provide more effectually for the collection of the duties imposed by law, on goods wares and merchandize imported into the U. S. and on the tonnage of ships or vessels," may legally be sued for, prosecuted, recovered and disposed of: *Provided*, That if any officer entitled to a part, or share of any such penalty, or forfeiture, shall be necessary, as a witness, on the trial for such penalty or forfeiture, such officer may be a witness upon the said trial; but in such case, he shall not receive, nor be entitled to any part or share of the said penalty or forfeiture, and the part or share, to which he would otherwise have been entitled, shall accrue to the U. S. *ibid.* § 29.

30. After the last day of March next, this act shall be in full force and effect; and so much of the act, intitled, "An act for registering and clearing vessels, regulating the coasting trade, and for other purposes," as comes within the purview of this act, shall, after the said last day of March, be repealed. *ibid.* § 30.

31. The Secretary of the Treasury is hereby empowered, to allow to such vessels and their cargoes, whose registers have already, or that may, before the close of the present session of Congress, become invalid, by reason of a non-compliance with the terms of the 5 § of the act "concerning the registering and recording of ships or vessels," the same privileges and benefits, they would have been entitled to, if no such invalidity had taken place. *Provided*, it shall appear to him, that such non-compliance did not proceed from wilful negligence or an intention of fraud: *And provided*, that a new register shall be obtained, in the manner prescribed by law, for such vessels respectively, as may now be within the U. S. within 90 days from the passing of this act; and for others, within the same time after their first arrival within the U. S. March 10, 1796, c. 5.

32. Whenever it shall appear, by satisfactory proof, to the Secretary of the Treasury, that any ship or vessel hath been sold and transferred by process of law, and that the register, certificate of enrolment, or license, as the case may be, of such ship or vessel, is retained by the former owners, it shall be lawful for the said

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Secretary, to order and direct the collector of the district to which such ship or vessel may belong, to grant a new register, certificate of enrolment, or license, as the case may be, on the owners, under such sale, complying with such terms and conditions as are, by law, required for granting of such papers; excepting only the delivering up of the former certificate, of registry, enrolment or license, as the case may be, *Provided*, That nothing in this act contained, shall be construed to remove the liability of any person or persons to any penalty for not surrendering up the papers, belonging to any ship or vessel, on a transfer or sale of the same. March 2, 1797, c. 61.

33. No ship or vessel which has been, or shall be registered, pursuant to any law of the U. S. and which hereafter shall be seized, or captured and condemned, under the authority of any foreign power, or that shall by sale become the property of a foreigner or foreigners, shall, after the passing of this Act, be entitled to, or capable of receiving a new Register, notwithstanding such ship or vessel should afterwards, become American property, but all such ships and vessels shall be taken and considered, as foreign vessels. But nothing in this act, shall extend to, or be construed to affect the person or persons owning any ship or vessel, at the time of the seizure, or capture of the same, or shall prevent such owner, in case he regain a property in such ship or vessel so condemned, by purchase or otherwise, from claiming and receiving a new register for the same, as he might or could have done, if this act had not been passed. June 27, 1797, c. 5.

## *Retaliation, Power of.*

ON information being given to the President of the U. S. proving satisfactorily to him that any citizen of the U. S. who shall have been or may be found on board any vessel of war of either of the powers at war with the French Republic, and who shall have been impressed or forced by violence or threats to enter on board such vessel, hath suffered death, or hath received other corporal punishment, or shall be imprisoned with unusual severity by order of the Executive Directory of the French Republic, or of any officer or agent acting under their authority in pursuance of any decree of the said Directory, or law of the French Republic; it shall be lawful for the President of the U. S. and he is hereby empowered and required to cause the most vigorous retaliation to be executed on any such citizens of the French Republic, as have been or hereafter may be captured in pursuance of any of the laws of the U. S. March 3, 1799, c. 151.

## *Seamen.*

EVERY master or commander of any ship or vessel bound from a port in the U. S. to any foreign port, or of any ship or



vessel of the burthen of 50 tons or upwards, bound from a port in one state, to a port in any other than an adjoining state, shall, before he proceed on such voyage, make an agreement in writing or in print, with every seaman or mariner on board such ship or vessel (except such as shall be apprentice or servant to himself or owners) declaring the voyage or voyages, term or terms of time, for which such seamen or mariner shall be shipped. And if any master or commander of such ship or vessel shall carry out any seaman or mariner (except apprentices or servants as aforesaid) without such contract or agreement being first made and signed by the seamen and mariners, such master or commander shall pay to every such seaman or mariner the highest price or wages which shall have been given at the port or place where such seaman or mariner shall have been shipped, for a similar voyage, within 3 months next before the time of such shipping: *Provided*, such seaman or mariner shall perform such voyage: or if not, then for such time as he shall continue to do duty on board such ship or vessel; and shall moreover forfeit 20 dollars for every such seaman or mariner, one half to the use of the person prosecuting for the same, the other half to the use of the U. S. and such seaman or mariner, not having signed such contract, shall not be bound by the regulations, nor subject to the penalties and forfeitures contained in this act. July 20, 1790, c. 29, § 1.

2. At the foot of every such contract, there shall be a memorandum in writing, of the day and the hour on which such seaman or mariner, who shall so ship and subscribe, shall render themselves on board, to begin the voyage agreed upon. And if any such seaman or mariner shall neglect to render himself on board the ship or vessel, for which he has shipped, at the time mentioned in such memorandum, and if the master, commander, or other officer of the ship or vessel, shall on the day on which such neglect happened, make an entry in the logbook of such ship or vessel, of the name of such seaman or mariner, and shall in like manner note the time that he so neglected to render himself (after the time appointed;) every such seaman or mariner shall forfeit for every hour which he shall so neglect to render himself, one day's pay, according to the rate of wages agreed upon, to be deducted out of his wages. And if any such seaman or mariner shall wholly neglect to render himself on board of such ship or vessel, or having rendered himself on board, shall afterwards desert and escape, so that the ship or vessel proceed to sea without him, every such seaman or mariner shall forfeit and pay to the master, owner or consignee of the said ship or vessel, a sum equal to that which shall have been paid to him by advance at the time of signing the contract, over and besides the sum so advanced, both which sums shall be recoverable in any court, or before any justice or justices of any state, city, town or county within the U. S. which, by the laws thereof have cognizance of debts of equal value, against, such seaman or mariner, or his surety or sureties, in case he shall have given surety to proceed the voyage. *ibid.* § 2.

3. If the mate or first officer under the master, and a majority of the crew of any ship or vessel, bound on a voyage to any foreign port shall, after the voyage is begun (and before the ship or vessel shall have left the land) discover that the said ship or vessel is too leaky, or is otherwise unfit in her crew, body, tackle, apparel, furniture, provisions or stores, to proceed on the intended voyage, and shall require such unfitness to be enquired into, the master or commander shall upon the request of the said mate (or other officer) and such majority, forthwith proceed to or stop at the nearest or most convenient port or place where such enquiry can be made, and shall there apply to the judge of the district court, if he shall there reside, or if not, to some justice of the peace of the city, town or place, taking with him 2 or more of the said crew who shall have made such request; and thereupon such judge or justice is hereby authorized and required to issue his precept directed to 3 persons in the neighbourhood, the most skilful in maritime affairs that can be procured, requiring them to repair on board such ship or vessel, and to examine the same in respect to the defects and insufficiencies complained of, and to make report to him the said judge or justice, in writing under their hands, or the hands of 2 of them, whether in any, or in what respect the said ship or vessel is unfit to proceed on the intended voyage, and what addition of men, provisions or stores, or what repairs or alterations in the body, tackle or apparel will be necessary; and upon such report the said judge or justice shall adjudge and determine, and shall endorse on the said report his judgment, whether the said ship or vessel is fit to proceed on the intended voyage; and if not, whether such repairs can be made or deficiencies supplied where the ship or vessel then lays, or whether it be necessary for the said ship or vessel to return to the port from whence she first sailed, to be there refitted; and the master and crew shall in all things conform to the said judgment; and the master or commander shall, in the first instance, pay all the costs of such view, report and judgment, to be taxed and allowed on a fair copy thereof, certified by the said judge or justice. But if the complaint of the said crew shall appear upon the said report and judgment, to have been without foundation, then the said master, or the owner or consignee of such ship or vessel, shall deduct the amount thereof, and of reasonable damages for the detention (to be ascertained by the said judge or justice) out of the wages growing due to the complaining seamen or mariners. And if after such judgment, such ship or vessel is fit to proceed on her intended voyage, or after procuring such men, provisions, stores, repairs or alterations as may be directed, the said seamen or mariners, or either of them, shall refuse to proceed on the voyage, it shall and may be lawful for any justice of the peace to commit by warrant under his hand and seal, every such seaman or mariner (who shall so refuse) to the common goal of the county, there to remain without bail of mainprize, until he shall have paid double the sum advanced to him at the time of subscribing

the contract for the voyage, together with such reasonable costs as shall be allowed by the said justice, and inserted in the said warrant, and the surety or sureties of such seaman or mariner (in case he or they shall have given any) shall remain liable for such payment; nor shall any such seaman or mariner be discharged upon any writ of habeas corpus or otherwise, until such sum be paid by him or them, or his or their surety or sureties, for want of any form of commitment, or other previous proceedings. *Provided*, That sufficient matter shall be made appear, upon the return of such habeas corpus, and an examination then to be had, to detain him for the causes herein before assigned. *ibid.* §. 3.

4. If any person shall harbour or secrete any seaman or mariner belonging to any ship or vessel, knowing them to belong thereto, every such person, on conviction thereof before any court in the city, town or county where he, she or they may reside, shall forfeit and pay 10 dollars for every day which he, she or they shall continue so to harbour or secrete such seaman or mariner, one half to the use of the person prosecuting for the same, the other half to the use of the U. S. and no sum exceeding 1 dollar, shall be recoverable from any seaman or mariner by any 1 person, for any debt contracted during the time such seaman or mariner shall actually belong to any ship or vessel, until the voyage for which such seaman or mariner engaged shall be ended. *ibid.* §. 4.

5. If any seaman or mariner, who shall have subscribed such contract as is herein before described, shall absent himself from on board the ship or vessel in which he shall so have shipped, without leave of the master or officer commanding on board; and the mate, or other officer having charge of the log-book, shall make an entry therein of the name of such seaman or mariner, on the day on which he shall so absent himself, and if such seaman or mariner shall return to his duty within 48 hours, such seaman or mariner shall forfeit 3 days pay for every day which he shall so absent himself, to be deducted out of his wages: but if any seaman or mariner shall absent himself for more than 48 hours at one time, he shall forfeit all the wages due to him, and all his goods and chattels which were on board the said ship or vessel, or in any store where they may have been lodged at the time of his desertion, to the use of the owners of the ship or vessel, and moreover shall be liable to pay to him or them all damages which he or they may sustain by being obliged to hire other seamen or mariners in his or their place, and such damages shall be recovered with costs, in any court or before any justice or justices having jurisdiction of the recovery of debts to the value of 10 dollars or upwards. *ibid.* §. 5.

6. Every seaman or mariner shall be entitled to demand and receive from the master or commander of the ship or vessel to which they belong, one third part of the wages which shall be due to him at every port where such ship or vessel shall unlade and deliver her cargo before the voyage be ended, unless the contrary be expressly stipulated in the contract: and as soon as the

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voyage is ended, and the cargo or ballast be fully discharged at the last port of delivery, every seaman or mariner shall be entitled to the wages which shall be then due according to his contract; and if such wages shall not be paid within 10 days after such discharge, or if any dispute shall arise between the master and seamen or mariners touching the said wages, it shall be lawful for the judge of the district where the said ship or vessel shall be, or in case his residence be more than 3 miles from the place, or of his absence from the place of his residence; then, for any judge or justice of the peace, to summon the master of such ship or vessel to appear before him, to shew cause why process should not issue against such ship or vessel, her tackle, furniture and apparel, according to the course of admiralty courts, to answer for the said wages: and if the master shall neglect to appear, or appearing, shall not shew that the wages are paid, or otherwise satisfied or forfeited, and if the matter in dispute shall not be forthwith settled, in such case the judge or justice shall certify to the clerk of the court of the district, that there is sufficient cause of complaint whereon to found admiralty process, and thereupon the clerk of such court shall issue process against the said ship or vessel, and the suit shall be proceeded on in the said court, and final judgment be given according to the course of admiralty courts in such cases used; and in such suit all the seamen or mariners (having cause of complaint of the like kind against the same ship or vessel) shall be joined as complainants; and it shall be incumbent on the master or commander to produce the contract and log-book, if required, to ascertain any matters in dispute; otherwise the complainants shall be permitted to state the contents thereof, and the proof of the contrary shall lie on the master or commander; but nothing herein contained shall prevent any seaman or mariner from having or maintaining any action at common law for the recovery of his wages, or from immediate process out of any court having admiralty jurisdiction, wherever any ship or vessel may be found, in case she shall have left the port of delivery where her voyage ended, before payment of the wages, or in case she shall be about to proceed to sea before the end of the 10 days next after the delivery of her cargo or ballast. *ibid.* § 6.

7. If any seaman or mariner, who shall have signed a contract to perform a voyage, shall at any port or place, desert, or shall absent himself from such ship or vessel, without leave of the master, or officer commanding in the absence of the master, it shall be lawful for any justice of peace within the U. S. (upon the complaint of the master) to issue his warrant to apprehend such deserter, and bring him before such justice: and if it shall then appear by due proof that he has signed a contract within the intent and meaning of this act, and that the voyage agreed for is not finished, altered, or the contract otherwise dissolved, and that such seaman or mariner has deserted the ship or vessel, or absented himself without leave, the said justice shall commit him

to the house of correction or common gaol of the city, town or place, there to remain until the said ship or vessel shall be ready to proceed on her voyage, or till the master shall require his discharge, and then to be delivered to the said master, he paying all the cost of such commitment, and deducting the same out of the wages due to such seaman or mariner. *ibid.* § 7.

8. Every ship or vessel belonging to a citizen or citizens of the U. S. of the burthen of 150 tons or upwards, navigated by 10 or more persons in the whole, and bound on a voyage without the limits of the U. S. shall be provided with a chest of medicines, put up by some apothecary of known reputation, and accompanied by directions for administering the same; and the said medicines shall be examined by the same or some other apothecary, once at least in every year, and supplied with fresh medicines in the place of such as shall have been used or spoiled; and in default of having such medicine-chest so provided, and kept fit for use, the master or commander of such ship or vessel shall provide and pay for all such advice, medicine, or attendance of physicians, as any of the crew shall stand in need of in case of sickness at every port or place where the ship or vessel may touch or trade at during the voyage without any deduction from the wages of such sick seaman or mariner. *ibid.* 8.

9. Every ship or vessel belonging as aforesaid, bound on a voyage across the Atlantic ocean, shall, at the time of leaving the last port from whence she sails, have on board, well secured under deck, at least 60 gallons of water, 100 pounds of salted flesh meat, and 100 pounds of wholesome ship-bread, for every person on board such ship or vessel, over and besides such other provisions, stores and live-stock as shall by the master or passengers be put on board, and in like proportion for shorter or longer voyages; and in case the crew of any ship or vessel, which shall not have been so provided, shall be put upon short allowance in water, flesh or bread, during the voyage, the master or owner of such ship or vessel shall pay to each of the crew, 1 day's wages beyond the wages agreed on for every day they shall be so put to short allowance, to be recovered in the same manner as their stipulated wages. *ibid.* 9.

10. The President of the U. S. by and with the advice and consent of the Senate, is authorized to appoint 2 or more agents; the 1 of whom shall reside in the kingdom of Great-Britain, and the others at such foreign ports, as the president of the U. S. shall direct. The duty of the said agents shall be, under the direction of the President of the U. S. to enquire into the situation of such American citizens or others, sailing, conformably to the law of nations, under the protection of the American flag, as have been, or may hereafter be impressed or detained by any foreign power; to endeavour, by all legal means, to obtain the release of such American citizens or others, as aforesaid; and to render an ac-

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count of all impressments and detentions whatever, from American vessels, to the executive of the U. S. May 28, 1796. c. 36, § 1.

11. If it should be expedient to employ an additional agent or agents, for the purposes authorized by this law, during the recess of the Senate, the President alone is authorized to appoint such agent or agents. *ibid.* § 2.

12. The President of the U. S. is hereby authorized to draw annually, out of the Treasury of the U. S. a sum not exceeding 15,000 dollars, not otherwise appropriated, to be applied by him, in such proportions as he shall direct, to the payment of the compensation of the said agents, for their services, and the incidental expenses attending the performance of the duties imposed on them by this act. *ibid.* § 3.

13. The collector of every district shall keep a book or books, in which, at the request of any seaman, being a citizen of the U. S. of America, and producing proof of his citizenship, authenticated in the manner hereinafter directed, he shall enter the name of such seaman, and shall deliver to him a certificate, in the following form, that is to say: "I, A. B. collector of the district of D, do hereby certify, That E. F. an American seaman, aged        years, or thereabouts, of the height of        feet        inches, [describing the said seaman, as particularly as may be] has this day, produced to me proof in the manner directed in the act, intitled, "An act for the relief and protection of American seamen;" and, pursuant to the said act, I do hereby certify, that the said E. F. is a citizen of the United States of America: In witness whereof, I have hereunto set my hand and seal of office this        day of        . " And it shall be the duty of the collectors aforesaid, to file and preserve the proofs of citizenship produced, as aforesaid: And for each certificate delivered, as aforesaid, the said collectors shall be entitled to receive from the seaman applying for the same, the sum of 25 cents. *ibid.* § 4.

14. In order that full and speedy information may be obtained of the seizure or detention, by any foreign power, of any seaman employed on board any ship or vessel of the U. S. It shall be the duty of the master of every ship or vessel of the U. S. any of the crew whereof shall have been impressed or detained by any foreign power, at the first port at which such ship or vessel shall arrive, if such impressment or detention happened on the high seas, or if the same happened within any foreign port, then in the port in which the same happened, immediately to make a protest, stating the manner of such impressment or detention, by whom made, together with the name and place of residence of the person impressed or detained; distinguishing also, whether he was an American citizen; and if not, to what nation he belonged. And it shall be the duty of such master, to transmit by post, or otherwise, every such protest made in a foreign country, to the nearest consul or agent, or to the minister of the U. S. resident in such country, if any such there be; preserving a duplicate of such protest, to be by him sent immediately after his arrival within the U. S. to the Se-



cretary of State, together with information to whom the original protest was transmitted: And in case such protest shall be made within the U. S. or in any foreign country, in which no Consul, Agent or Minister of the U. S. resides, the same shall, as soon thereafter as practicable, be transmitted by such master, by post or otherwise, to the Secretary of State. *ibid.* § 5.

15. A copy of this law shall be transmitted by the Secretary of State, to each of the ministers and consuls of the U. S. resident in foreign countries, and by the Secretary of the Treasury, to the several collectors of the districts of the U. S. whose duty shall be, from time to time, to make known the provisions of this law, to all masters of ships and vessels of the U. S. entering, or clearing at their several offices. And the master of every such ship or vessel shall, before he is admitted to an entry, by any such collector, be required to declare on oath, whether any of the crew of the ship or vessel under his command have been impressed or detained, in the course of his voyage, and how far he has complied with the directions of this act: And every such master, as shall wilfully neglect or refuse to make the declarations therein required, or to perform the duties enjoined by this act, shall forfeit and pay 100 dollars. And it shall be the duty of every such collector, to prosecute for any forfeiture that may be incurred under this act. *ibid.* § 6.

16. The collector of every port of entry in the U. S. shall send a list of the seamen registered under this act, once every 3 months to the Secretary of State, together with an account of such impressments or detentions, as shall appear, by the protests of the masters, to have taken place. *ibid.* § 7.

17. The 1st, 2nd & 3d § of this act shall be in force for 1 year, and from thence to the end of the next session of Congress thereafter, revived and continued for one year, by March 2, 1799, c. 147, § 1.

18. After the 1st Sep. next, the master or owner of every ship or vessel of the U. S. arriving from a foreign port into any port of the U. S. shall, before such ship or vessel shall be admitted to an entry, render to the collector a true account of the number of seamen, that shall have been employed on board such vessel since she was last entered at any port in the U. S. and shall pay to the said collector, at the rate of 20 cents per month for every seaman so employed; which sum he is hereby authorized to retain out of the wages of such seamen. July 16, 1798, c. 94, § 1.

19. After the 1st Sep. next, no collector shall grant to any ship or vessel whose enrolment or licence for carrying on the coasting trade has expired, a new enrolment or licence before the master of such ship or vessel shall first render a true account to the collector, of the number of seamen, and the time they have severally been employed on board such ship or vessel, during the continuance of the licence which has so expired, and pay to such collector 20 cents per month for every month such seamen have been severally employed, as aforesaid; which sum the said master is

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hereby authorized to retain out of the wages of such seamen. And if any such master shall render a false account of the number of men, and the length of time they have severally been employed, as is herein required, he shall forfeit and pay 100 dollars. *ibid.* § 2.

20. It shall be the duty of the several collectors to make a quarterly return of the sums collected by them, respectively, by virtue of this act, to the Secretary of the Treasury; and the President of the U. S. is hereby authorized, out of the same, to provide for the temporary relief and maintenance of sick or disabled seamen, in the hospitals or other proper institutions now established in the several ports of the U. S. or, in ports where no such institutions exist, then in such other manner as he shall direct: *Provided*, That the monies collected in any 1 district, shall be expended within the same. *ibid.* § 3.

21. If any surplus shall remain of the monies to be collected by virtue of this act, after defraying the expence of such temporary relief and support, the same, together with such private donations as may be made for that purpose (which the President is hereby authorized to receive) shall be invested in the stock of the U. S. under the direction of the President; and when, in his opinion, a sufficient fund shall be accumulated, he is hereby authorized to purchase or receive cessions or donations of ground or buildings, in the name of the U. S. and to cause buildings, when necessary, to be erected as hospitals for the accommodation of sick and disabled seamen. *ibid.* § 4.

22. The President of the U. S. is hereby authorized to nominate and appoint, in such port of the U. S. as he may think proper, 1 or more persons, to be called directors of the marine hospital of the U. S. whose duty it shall be to direct the expenditure of the fund assigned for their respective ports, according to the 3rd §. of this act: to provide for the accommodation of sick and disabled seamen, under such general instructions as shall be given by the President of the U. S. for that purpose, and also subject to the like general instructions, to direct and govern such hospitals as the President may direct to be built in the respective ports: and the said directors shall hold their offices during the pleasure of the President, who is authorized to fill up all vacancies that may be occasioned by the death or removal of any of the persons so to be appointed. And the said directors shall render an account of the monies received and expended by them, once in every quarter of a year, to the secretary of the Treasury, or such other person as the President shall direct; but no other allowance or compensation shall be made to the said directors, except the payment of such expences as they may incur in the actual discharge of the duties required by this act. *ibid.* § 5.

23. The President of the U. S. is authorized to direct the expenditure of any monies which have been or shall be collected by virtue of an act, entitled "An act for the relief of sick and disabled seamen," to be made within the state wherein the same shall have been collected, or within the state next adjoining thereto,

excepting what may be collected in the states of New-Hampshire, Massachusetts, Rhode-Island, and Connecticut. March 2, 1799, c. 142, § 1.

24. The Secretary of the Navy is authorized and directed to deduct, after the 1st Sep. next, from the pay thereafter to become due, of the officers, seamen and marines of the Navy of the U. S. at the rate of 20 cents per month, for every such officer seaman & marine, & to pay the same quarter annually to the Secretary of the Treasury, to be applied to the same purposes, as the money collected by virtue of the above mentioned act is appropriated. *ibid.* § 2.

25. The officers, seamen and marines of the Navy of the U. S. shall be entitled to receive the same benefits and advantages, as by the act above mentioned are provided for the relief of the sick and disabled seamen of the merchant vessels of the U. S. *ibid.* § 3.

26. The Secretary of State shall lay before Congress, within 10 days after the commencement of each ordinary session, an annual statement, containing an abstract of all the returns made to him, by the collectors of the different ports, pursuant to the act, *For the relief and protection of American Seamen*, and of the communications received by him, from the agents employed by virtue of the same, in foreign countries. March 2, 1799, c. 147, 2. § See *Consuls* art. 7.

## Slave-Trade.

1. **N**O citizen or citizens of the U. S. or foreigner, or any other person coming into, or residing within the same, shall, for himself or any other person whatsoever, either as master, factor or owner, build, fit, equip, load or otherwise prepare any ship or vessel, within any port or place of the said U. S. nor shall cause any ship or vessel to sail from any port or place within the same, for the purpose of carrying on any trade or traffic in slaves, to any foreign country; or for the purpose of procuring, from any foreign kingdom, place, or country, the inhabitants of such kingdom, place or country, to be transported to any foreign country, port or place whatever, to be sold or disposed of, as slaves: And if any ship or vessel shall be so fitted out, as aforesaid, for the said purposes, or shall be caused to sail, so as aforesaid, every such ship or vessel, her tackle, furniture, apparel and other appurtenances, shall be forfeited to the U. S. and shall be liable to be seized, prosecuted and condemned, in any of the circuit courts or district court for the district, where the said ship or vessel may be found and seized. March 22, 1794, c. 11, § 1.

2. All and every person, so building, fitting out, equipping, loading, or otherwise preparing, or sending away, any ship or vessel, knowing, or intending, that the same shall be employed in such trade or business, contrary to the true intent and meaning

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of this act, or any ways aiding or abetting therein, shall severally forfeit and pay 200 0 dollars, one moiety thereof to the use of the U. S. & the other moiety to the use of him or her who shall sue for and prosecute the same. *ibid.* § 2.

3. The owner, master, or factor of each and every foreign ship or vessel, clearing out for any of the coasts or kingdoms of Africa, or suspected to be intended for the slave-trade, and the suspicion being declared to the officer of the customs, by any citizen, on oath or affirmation, and such information being to the satisfaction of the said officer, shall first give bond with sufficient sureties, to the Treasurer of the U. S. that none of the natives of Africa, or any other foreign country or place, shall be taken on board the said ship or vessel, to be transported, or sold as slaves, in any other foreign port or place whatever, within 9 months thereafter. *ibid.* § 3.

4. If any citizen or citizens of the U. S. shall, contrary to the true intent and meaning of this act, take on board, receive or transport any such persons, as above described in this act, for the purpose of selling them as slaves, as aforesaid, he or they shall forfeit and pay, for each and every person so received on board, transported, or sold as aforesaid, 200 dollars, to be recovered in any court of the U. S. proper to try the same: the 1 moiety thereof to the use of the U. S. and the other moiety to the use of such person or persons, who shall sue for and prosecute the same. *ibid.* § 4. See. *Fisheries*, art. 4, 5.

## State, Department of.

1. **T**HE Executive department, denominated the Department of Foreign Affairs, shall hereafter be denominated the Department of State, and the principal officer therein shall hereafter be called the Secretary of State. Sep. 15, 1789, c. 14, § 1.

2. Whenever a bill, order, resolution or vote of the Senate and House of Representatives, having been approved and signed by the President of the U. S. or not having been returned by him with his objections, shall become a law, or take effect, it shall forthwith thereafter be received by the said Secretary from the President: and whenever a bill, order, resolution or vote, shall be returned by the President with his objections, and shall, on being reconsidered, be agreed to be passed, and be approved by two-thirds of both Houses of Congress, and thereby become a law or take effect, it shall, in such case, be received by the said Secretary from the President of the Senate, or the Speaker of the House of Representatives, in whichever House it shall last have been so approved; and the said Secretary shall, as soon as conveniently may be, after he shall receive the same, cause 1 printed copy to be delivered to each Senator and Representative of the U. S. and 2 printed copies duly authenticated to be sent to the executive authority of each state; and he shall carefully preserve

the originals, and shall cause the same to be recorded in books to be provided for the purpose. *ibid.* § 2.

3. The seal heretofore used by the U. S. in Congress assembled, is declared to be the seal of the U. S. *ibid.* § 3.

4. The said Secretary shall keep the said seal, and shall make out and record, and shall affix the said seal to all civil commissions, to officers of the U. S. to be appointed by the President by and with the advice and consent of the Senate, or by the President alone. *Provided*, That the said seal shall not be affixed to any commission, before the same shall have been signed by the President of the U. S. nor to any other instrument or act, without the special warrant of the President therefor. *ibid.* § 4.

5. The said Secretary shall cause a seal of office to be made for the said department, of such device as the President of the U. S. shall approve, and all copies of records and papers in the said office, authenticated under the said seal, shall be evidence equally as the original record or paper. *ibid.* § 5.

6. There shall be paid to the Secretary, for the use of the U. S. the following fees of office, by the persons requiring the services to be performed, except when they are performed for any officer of the U. S. in a matter relating to the duties of his office, to wit: For making out and authenticating copies of records, 10 cents for each sheet, containing 100 words, for authenticating a copy of a record or paper under the seal of office, 25 cents. *ibid.* § 6.

7. The said Secretary shall forthwith after his appointment, be entitled to have the custody and charge of the said seal of the U. S. and also of all books, records and papers, remaining in the office of the late Secretary of the U. S. in Congress assembled; and such of the said books, records and papers, as may appertain to the treasury department, or war department, shall be delivered over to the principal officers in the said departments respectively, as the President of the U. S. shall direct. *ibid.* § 7.

8. It shall be the duty of the Secretary of State, to procure from time to time such of the statutes of the several states as may not be in his office. *Resol.* Sep. 23, 1789.

9. In case of vacancy in the office of Secretary of State, or of any officer of the said department, whose appointment is not in the head thereof, the President of the U. S. may authorize any person or persons, to perform the duties of the same, until a successor is appointed, but no such vacancy shall be supplied for a longer term than six months. Feb. 13, 1795, c. 86. See *Laws, promulgation of*.

## Tax, Direct.

1. A Direct tax of two millions of dollars shall be laid upon the U. S. and apportioned in the manner following:

To the state of New-Hampshire, 77,705 dollars, 36 cents & 2 mills. To the state of Massachusetts, 260,435 dollars, 31 cents

& 2 mills. To the state of Rhode-Island, 37,502 dollars & 8 cents. To the state of Connecticut, 129,767 dollars, & 2 mills. To the state of Vermont, 46,864 dollars, 18 cents & 7 mills. To the state of New-York, 181,680 dollars, 70 cents & 7 mills. To the state of New-Jersey, 98,387 dollars, 25 cents & 3 mills. To the state of Pennsylvania, 237,177 dollars, 72 cents, & 7 mills. To the state of Delaware, 30,430 dollars, 79 cents, & 2 mills. To the state of Maryland, 152,599 dollars, 95 cents, & 4 mills. To the state of Virginia, 345,488 dollars, 66 cents, & 5 mills. To the state of Kentucky, 37,643 dollars, 99 cents, & 7 mills. To the state of North-Carolina, 193,697 dollars, 96 cents, & 5 mills. To the state of Tennessee, 18,806 dollars, 38 cents, & 3 mills. To the state of South-Carolina, 112, 997, dollars, 73 cents, & 9 mills. And to the state of Georgia, 38,814 dollars, 87 cents & 5 mills. July 14 1798, c. 92, § 1.

2. The said tax shall be collected by the supervisors, inspectors and collectors of the internal revenues of the U. S. under the direction of the Secretary of the Treasury, and pursuant to such regulations as he shall establish; and shall be assessed upon dwelling-houses, lands and slaves, according to the valuations and enumerations, to be made pursuant to the act, intituled "An act to provide for the valuation of lands and dwelling-houses, and the enumeration of slaves within the U. S." and in the following manner:

Upon every dwelling-house which, with the out-houses appurtenant thereto, and the lot whereon the same are erected, not exceeding 2 acres in any case, shall be valued in manner aforesaid, at more than 100, and not more than 500 dollars, there shall be assessed in the manner herein provided, a sum equal to two-tenths of 1 per centum on the amount of the valuation: upon every dwelling-house which shall be valued as aforesaid, at more than 500, and not more than 1000 dollars, there shall be assessed a sum equal to three-tenths of 1 per centum on the amount of the valuation: upon every dwelling-house which shall be valued as aforesaid, at more than 1000, and not more than 3000 dollars, there shall be assessed a sum equal to four-tenths of 1 per centum on the amount of the valuation: upon every dwelling-house which shall be valued as aforesaid, at more than 3000, and not more than 6000 dollars, there shall be assessed a sum equal to one-half of 1 per centum on the amount of the valuation: upon every dwelling-house which shall be valued as aforesaid, at more than 6, and not more than 10,000 dollars, there shall be assessed a sum equal to six-tenths of 1 per centum on the amount of the valuation: upon every dwelling-house which shall be valued as aforesaid, at more than 10, and not more than 15,000 dollars, there shall be assessed a sum equal to seven-tenths of 1 per centum on the amount of the valuation: upon every dwelling-house which shall be valued as aforesaid, at more than 15, and not more than 20,000 dollars, there shall be assessed a sum equal to eight-tenths of 1 per centum on the amount of the valuation:



upon every dwelling-house which shall be valued as aforesaid, at more than 20, and not more than 30,000 dollars, there shall be assessed a sum equal to nine tenths of 1 per centum on the amount of the valuation: and upon every dwelling-house which shall be valued as aforesaid, at more than 30,000 dollars, there shall be assessed a sum equal to 1 per centum on the amount of the valuation.

And upon every slave which shall be enumerated according to the act aforesaid, there shall be assessed 50 cents.

And the whole amount of the sums so to be assessed upon dwelling-houses and slaves within each state respectively, shall be deducted from the sum hereby apportioned to such state, and the remainder of the said sum shall be assessed upon the lands within such state according to the valuations to be made pursuant to the act aforesaid, and at such rate per centum as will be sufficient to produce the said remainder: *Provided*, That no part of said tax shall be assessed upon such lands or dwelling-houses and slaves as at the time of passing this act are especially exempted from taxes by the laws of the states, respectively. *ibid.* § 2.

3. The aforesaid assessments shall be made by the supervisors of the several districts within the U. S. respectively, and pursuant to instructions from the Secretary of the Treasury; which instructions the said Secretary is authorized and required to issue to such supervisors or any of them, so soon as the valuations and enumerations directed to be made by the aforesaid act shall have been completed in the state to which such supervisor belongs. And the said tax shall become due and payable from and after the expiration of 3 months after the instructions aforesaid shall have been received by the supervisors respectively: *Provided*, That if, on making the assessments as aforesaid, it should appear that the sums so to be assessed on houses and slaves within any state will exceed the sum hereby apportioned to such state, then the supervisor shall be authorized and required to deduct from the sums so to be assessed on houses, such rate per centum as shall be sufficient to reduce the whole amount of the said assessments, to the sum apportioned to such state, as aforesaid. *ibid.* § 3.

4. The said supervisors shall appoint such and so many suitable persons in each assessment district within their respective districts, as may be necessary for collecting the said tax, and shall assign to them, respectively, their collection districts therein; which persons shall be collectors within their respective collection districts, and shall collect the said tax under the direction of the supervisors respectively, and according to the regulations and provisions contained in this act, or to be established pursuant thereto. *ibid.* § 4.

5. So soon as the aforesaid assessment shall have been completed, the said supervisors shall, by special warrants, under their hands; respectively, cause the surveyors of the revenue within their respective districts, to make out lists containing the sums payable, according to such assessments, for every dwelling-house,

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tract or lot of land, and slave, within each collection district, respectively; which lists shall contain the name of the proprietor, or occupant of each dwelling-house, tract or lot of land and slave, within the collection district, or of the person having the care or superintendence of them, or any of them, where such proprietor, occupant or superintendant is known, and the whole sum payable by each person within the said district, distinguishing what is payable for dwelling-houses, what for slaves, and what for lands. And where there are lands, slaves or dwelling houses within any collection district, not owned, or occupied by, or under the care or superintendence of any person resident therein, there shall be a separate list of such lands, dwelling-houses and slaves, specifying the sums payable for each, and the names of the proprietors or superintendants, respectively, where known. *ibid.* § 5. art. 101.

6. Each of the collectors, to be appointed as aforesaid, shall be furnished by the surveyor of the revenue for the assessment district within which he shall have been so appointed, with 1 or more of the said lists, signed and certified by such surveyor. And each collector, on receiving a list as aforesaid, shall subscribe 3 receipts: 1 of which shall be given on a full and correct copy of such list, and the other 2 on aggregate statements thereof, exhibiting the number and valuation of dwelling-houses, the number of slaves, and the amount of the valuation of lands in such collection district, with the amount of the taxes assessed thereon. And the list first mentioned, and receipt, shall remain in the office of the surveyor of the revenue, and shall be open to the inspection of any person who may apply to inspect the same, and the aggregate statements and receipts aforesaid, shall be transmitted to the inspector of the survey, and 1 of them, shall be by him transmitted to the supervisor of the district. *ibid.* § 6. art. 102.

7. Each collector, before receiving any list as aforesaid, for collection, shall give bond with 1 or more good & sufficient sureties, in at least double the amount of the taxes assessed on the collection district for which he may be appointed; which bond shall be payable to the U. S. with condition for the true and faithful discharge of the duties of his office, according to law, and particularly, for the due collection and payment of all monies assessed upon such district. *ibid.* § 7. art. 103.

8. The aforesaid tax shall be, and remain a lien upon all lands, and other real estate, and all slaves, of the individuals who may be assessed for the same, during 2 years after the time when it shall become due and payable according to this act, and the said lien shall extend to each and every part of all tracts or lots of land, or dwelling-houses, which shall be valued according to the aforesaid act, notwithstanding the same may have been divided or alienated, in part, unless an apportionment of the valuation thereof shall have been made and recorded, pursuant to the aforesaid act, prior to the time when the collection lists shall have been stated, in manner herein before prescribed. *ibid.* § 8. art. 104.

9. Each of the said collectors shall, immediately after receiving his collection list, advertise, by notifications to be posted up in at least 4 public places in each collection district, that the said tax has become due and payable, and the times and places at which he will attend to receive the same; and, in respect to persons who shall not attend, according to such notifications, it shall be the duty of each collector to apply once at their respective dwellings, within such district, and there demand the taxes payable by such persons: and if the said taxes shall not be then paid, or within 20 days thereafter, it shall be lawful for such collector to proceed to collect the said taxes, by distress and sale of the goods, chattels, or effects of the persons delinquent as aforesaid, with a commission of 8 per centum upon the said taxes, to and for the use of such collector: *Provided*, that it shall not be lawful to make distress of the tools or implements of a trade or profession, beasts of the plough necessary for the cultivation of improved lands, arms, or the household utensils, or apparel necessary for a family- *ibid.* § 9.

10. Except, as aforesaid, all goods, chattels, and personal effects whatever, being or remaining on lands, subject to the said tax; and all grass, or produce of farms, standing and growing thereon, shall and may be taken and sold for the payment of the said tax, under such regulations as have been or may be made for the sale of goods or effects taken and sold by distress: *Provided*, that nothing herein contained shall invalidate or impair any contract or agreement between any landlord, tenant, or other person, relative to the payment of taxes. *ibid.* § 10.

11. In respect to lands, dwelling-houses and slaves, which shall not be owned by, or in the occupation, or under the care or superintendence of some person within the collection district where the same shall be situated or found at the time of the assessment aforesaid, the said collectors respectively, upon receiving lists of such lands, dwelling-houses, or slaves, in manner aforesaid, shall transmit copies of such lists, certified under their hands respectively, to the surveyors of the revenue for the assessment districts, respectively within which the persons owing, or having the care and superintendence of such dwelling houses, lands, or slaves, may reside, if such persons be known, together with a statement of the amount of taxes assessed as aforesaid upon such dwelling-houses, lands or slaves, respectively, and a notification to pay, or cause to be paid the said taxes, to the said collectors respectively, within 30 days after such notification shall be served as is herein provided: which copies, statements and notifications, the surveyors receiving the same respectively shall cause to be personally served on the aforesaid persons respectively, or left at their usual places of abode, and shall cause an affidavit thereof, by the person serving or leaving the same as aforesaid, with the time of such service or leaving, to be immediately transmitted to the aforesaid collector: and if such persons being notified in manner aforesaid, shall not, within 60 days thereafter, pay the said taxes to the collector of the collection district where the said lands, dwelling-houses, or slaves, shall be

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situated, or transmit to him a receipt for the said taxes in the manner herein provided, then the said collector shall proceed to collect the said tax, by distress and sale as is herein directed: and if the persons owning or having the care and superintendence of any such lands, dwelling houses or slaves, shall not be known, then the afore-said collectors shall cause the said copies, statements and notifications to be published for 60 days in 4 Gazettes of the state, if there be so many; after which publication, if the said taxes shall not be paid, the said collectors shall proceed to collect the same by distress and sale in the manner herein provided. *ibid.* § 11.

12. If any person owning, or having the superintendence or care of any dwelling-houses, lands or slaves, in a collection district other than that in which he resides, and being served with such copy, statement and notification as is afore-said, shall, within 60 days thereafter, pay the said taxes to the collector of the collection district within which he resides, and transmit a receipt therefor to the collector sending the said copy, statement and notification, such receipt shall be a discharge to the said last mentioned collector for the said taxes, and he shall thereupon forbear to collect them; and the collector giving such receipt, shall become chargeable with the said taxes, and shall account therefor in the final settlement of the accounts of his collection. *ibid.* § 12.

13. When any tax assessed on lands or houses, shall have remained unpaid for the term of 1 year, the collector of the collection district within which such land or houses may be situated, having first advertised the same for 2 months, in 6 different public places within the said district, and in 2 Gazettes in the state, if there be so many, 1 of which shall be the Gazette, in which the laws of such state shall be published by authority if any such there be, shall proceed to sell at public sale, and under the direction of the inspector of the survey, either the dwelling-house, or so much of the tract of land, (as the case may be) as may be necessary to satisfy the taxes due thereon; together with costs and charges, not exceeding at the rate of 1 per centum for each and every month the said tax shall have remained due & unpaid. *Provided*, that in all cases, where any lands or tenements, shall be sold as afore-said, the owner of the said lands or tenements, his heirs, executors or administrators, shall have liberty to redeem the same at any time within 2 years, from the time of sale, upon payment, or tender of payment, to the collector for the time being, for the use of the purchaser, his heirs or assignees of the amount of the said taxes, costs and charges, with interest for the same, at the rate of 12 per cent. per annum; and upon payment or tender of payment as afore-said such sale shall be void. And no deed shall be given in pursuance of any such sale, until the time of redemption shall have expired. *ibid.* § 13.

14. The supervisors of the respective districts, shall keep true and exact accounts of all taxes due and payable in each collection district, and shall charge the amount thereof to the collectors of

such districts respectively: And the said collectors shall, at the expiration of every month after they shall, respectively, commence their collections in manner aforesaid, render to the supervisor of the district, or the inspector of the survey within which the said collections shall respectively, be made, a full & true account of the collections made by them, respectively, within the month, and pay over to the said supervisor or inspector the monies by them respectively collected within the said term; And if any such collector shall fail or neglect to account & pay over as aforesaid, at any of the periods above prescribed, such collector shall forfeit & pay 300 dollars, to be recovered to the use of the U. S. with costs of suit, in any court having competent jurisdiction; And where any monies shall have been paid, as aforesaid, to the inspector of a survey, by any collector, the receipt of such inspector shall be allowed to such collector, in the final settlement of his accounts with the supervisor of the district. *ibid.* § 14.

15. Each of the said collectors shall complete the collection of all sums assigned to him for collection, as aforesaid, and shall account for, and pay over the same to the supervisor of the district, within 1 year and 1 month from and after the time when the said tax shall have become due and payable, in manner aforesaid; and if any collector shall fail so to collect, account and pay over, it shall be the duty of the supervisor of the district, and he is hereby authorized and required to issue a warrant of distress against such delinquent collector and his sureties, directed to the marshal of the district, therein expressing the amount of the taxes imposed on the district of such collector, and the sums, if any, which have been paid; and the said marshal shall himself, or by his deputy, immediately proceed to levy and collect the sum which may remain due, by distress & sale of the goods and chattels, or any personal effects of the delinquent collector: and for want of goods, chattels or effects, aforesaid, sufficient to satisfy the said warrant, the same may be levied on the person of the collector, who may be committed to prison, there to remain, until discharged in due course of law. And furthermore, notwithstanding the commitment of the collector to prison, as aforesaid, or if he abscond, and goods, chattels and effects cannot be found, sufficient to satisfy the said warrant, the said marshal, or his deputy, shall proceed to levy and collect the sum which may remain due, by distress and sale of the goods and chattels, or any personal effects, of the surety or sureties of the delinquent collector. *ibid.* § 15.

16. The amount of the sums committed to any collector, for collection as aforesaid, shall be a lien upon the lands and real estate of such collector, and his sureties, until the same shall be discharged, according to law; and for want of goods and chattels, or other personal effects of such collector, or his sureties, sufficient to satisfy any warrant of distress issued pursuant to the preceding section of this act, the lands and real estate of such collector, and his sureties, or so much thereof as may be necessary for satisfying the said warrant, after being advertised for at least 3 weeks, in not less than 3 public places in the collection dis-

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trict, and in 1 newspaper printed in the county, if any there be, prior to the proposed time of sale, may and shall be sold by the marshal or his deputy; and for all lands and real estate sold, in pursuance of the authority aforesaid, the conveyances of the marshals, or their deputies, executed in due form of law, shall afford a valid title against all persons claiming under the delinquent collectors, or their sureties, aforesaid; and all monies that may remain of the proceeds of such sale, after satisfying the said warrant of distress, and paying the reasonable costs and charges of sale, shall be returned to the Proprietor of the lands or real estate sold as aforesaid. *ibid.* § 16.

17. It shall be lawful for the supervisors of the respective districts, at any time, for good and sufficient cause, to dismiss or discharge each or any collector from office, and to commit the collection of any part of the said tax remaining uncollected, to a new collector; and immediately upon such dismissal, and after a notification thereof, in at least 2 public places in the collection district, by the supervisor or the surveyor of the revenue for the district, on his behalf, the powers of the collector so dismissed, shall cease and terminate; and if any collector so dismissed, shall wilfully refuse or neglect to surrender his collection list, and to render a true account of all monies collected, and to pay over the same, according to the directions of the supervisor, each and every such collector shall forfeit and pay a sum not exceeding 4000 dollars, with costs of suit, to be recovered to the use of the U. S. in any court having competent jurisdiction: *Provided*, That nothing herein contained shall be construed to impair the responsibility of any collector, or his sureties, arising under the foregoing provisions of this act. *ibid.* § 17.

18. Each and every collector, who shall exercise, or be guilty of any extortion or oppression, under colour of this act, or shall demand other or greater sums than shall be authorized by law, shall be liable to pay a sum not exceeding 200 dollars; to be recovered by and for the use of the party injured, with costs of suit, in any court having competent jurisdiction, and each and every collector shall, if required give receipts for all sums by them collected, and retained, in pursuance of this act. *ibid.* § 18.

19. For collecting the said tax, there shall be allowed and paid, the following sums, and no more, to be retained by the several officers hereinafter mentioned, in the final settlement of their accounts, respectively; that is to say: To each supervisor one half per centum, on the whole amount of the monies by him received and accounted for, under and by virtue of this act: to every inspector, one fourth per centum, on the whole amount of the monies to be by him received and accounted for as aforesaid: and to every collector, 5 per centum, on the whole amount of the monies by him to be received and accounted for, as aforesaid: *Provided*, That no collector shall receive the said allowance, for, or in respect to any sum for which a warrant of distress shall have been issued by him; and *Provided also*, That no



collector who shall refuse or neglect to render, according to this act, any monthly account of monies by him received, as aforesaid, or to pay over the same, as is hereby directed, shall be entitled to, or receive the said allowance, upon all or any of the monies by him collected, within the month for which he shall so refuse or neglect to account and pay over, as aforesaid. *ibid.* § 19.

20. There shall be allowed to the surveyors of the revenue, respectively, to be paid by the supervisors, respectively, and exhibited in their accounts, as part of the charge of the said collection, for preparing collection lists, and computing the taxes payable for each individual, at the rate of 1 dollar for every 100 taxables contained in any such list. *ibid.* § 20.

21. A separate account shall be kept at the Treasury of the U. S. of all monies to be collected and received by virtue of this act: distinguishing the several amounts received from dwelling houses, from slaves, and from lands, within each state, and also distinguishing the amount received in each state from each separate description of dwelling houses, paying the said rate per centum. *ibid.* § 21.

## Tennessee, State of.

THE whole of the territory ceded to the U. S. by the state of North Carolina, shall be one state, and the same is hereby declared to be one of the U. States of America, on an equal footing with the original states, in all respects whatever, by the name and title of the state of Tennessee. And until the next general census, the said state shall be entitled to one representative in the house of representatives of the U. S. and in all other respects, as far as they may be applicable, the laws of the U. S. shall extend to, and have force therein, in the same manner, as if that state had originally been one of the U. S. June 1, 1796. c. 47, & c. 56.

## Treasury Department.

1. THERE shall be a department of Treasury, in which shall be the following officers, namely, a Secretary of the Treasury, to be deemed head of the department; a Comptroller, an Auditor, a Treasurer, a Register. Sep. 2, 1789, c. 12, § 1.

2. It shall be the duty of the Secretary of the Treasury to digest and prepare plans for the improvement and management of the revenue, and for the support of public credit; to prepare and report estimates of the public revenue, and the public expenditures: to superintend the collection of the revenue; to decide on the forms of keeping and stating accounts and making

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returns, and to grant under the limitations herein established, or to be hereafter provided, all warrants for monies to be issued from the treasury, in pursuance of appropriations by law; to execute such services relative to the sale of the lands belonging to the U. S. as may be by law required of him; to make report, and give information to either branch of the Legislature, in person or in writing (as he may be required) respecting all matters referred to him by the Senate or House of Representatives, or which shall appertain to his office: and generally to perform all such services relative to the finances, as he shall be directed to perform. *ibid.* § 2.

3. It shall be the duty of the Comptroller to superintend the adjustment & preservation of the public accounts; to examine all accounts settled by the Auditor, and certify the balances arising thereon to the Register; to countersign all warrants drawn by the Secretary of the Treasury, which shall be warranted by law; to report to the Secretary the official forms of all papers to be issued in the different offices for collecting the public revenue, and the manner and form of keeping and stating the accounts of the several persons employed therein: He shall moreover provide for the regular and punctual payment of all monies which may be collected, and shall direct prosecutions for all delinquencies of officers of the revenue, and for debts that are, or shall be due to the U. S. *ibid.* § 3.

4. It shall be the duty of the Treasurer to receive and keep the monies of the U. S. and to disburse the same upon warrants drawn by the Secretary of the Treasury, countersigned by the Comptroller, recorded by the Register, and not otherwise; he shall take receipts for all monies paid by him, and all receipts for monies received by him, shall be endorsed upon warrants signed by the Secretary of the Treasury, without which warrant so signed, no acknowledgement for money received into the public treasury shall be valid. And the said Treasurer shall render his accounts to the Comptroller quarterly (or oftener if required,) and shall transmit a copy thereof, when settled, to the Secretary of the treasury. He shall moreover, on the 3rd day of every session of Congress, lay before the Senate and House of Representatives, fair and accurate copies of all accounts by him from time to time rendered to and settled with the Comptroller as aforesaid, as also a true and perfect account of the state of the treasury. He shall at all times submit to the Secretary of the Treasury, and the Comptroller, or either of them, the inspection of the monies in his hands; and shall, prior to the entering upon the duties of his office, give bond, with sufficient sureties, to be approved by the Secretary of the Treasury and Comptroller, in the sum of 150,000 dollars, payable to the U. S. with condition for the faithful performance of the duties of his office, and for the fidelity of the persons to be by him employed, which bond shall be lodged in the office of the Comptroller of the Treasury of the U. S. *ibid.* § 4.

5. It shall be the duty of the Auditor to receive all public accounts, and after examination to certify the balance, and transmit the accounts with the vouchers & certificate to the Comptroller for his decision thereon: *Provided*, That if any person whose account shall be so audited, be dissatisfied therewith, he may within 6 months appeal to the Comptroller against such settlement. *ibid.* § 5.

6. It shall be the duty of the Register to keep all accounts of the receipts and expenditures of the public money, and of all debts due to or from the U. S. to receive from the Comptroller the accounts which shall have been finally adjusted, and to preserve such accounts with their vouchers and certificates: to record all warrants for the receipt or payment of monies at the treasury, certify the same thereon, and to transmit to the Secretary of the Treasury, copies of the certificates of balances of accounts adjusted as is herein directed. *ibid.* § 6.

7. No person appointed to any office instituted by this act, shall directly or indirectly be concerned or interested in carrying on the business of trade or commerce, or be owner in whole or in part of any sea vessel, or purchase by himself, or another in trust for him, public lands or any other public property, or be concerned in the purchase or disposal of any public securities of any state, or of the U. S. or take or apply to his own use, any emolument or gain for negotiating or transacting any business in the said department, other than what shall be allowed by law; and if any person shall offend against any of the prohibitions of this act, he shall be deemed guilty of a high misdemeanor, and forfeit to the U. S. the penalty of 3000 dollars, and shall upon conviction be removed from office, and forever thereafter incapable of holding any office under the U. S. *Provided*, That if any other person than a public prosecutor shall give information of any such offence, upon which a prosecution and conviction shall be had, one half the aforesaid penalty of 3000 dollars, when recovered shall be for the use of the person giving such information. *ibid.* § 8. (See. art. 8, 12.)

8. The 8th § of the act, intituled, "An act to establish the Treasury department," passed the 2nd day of Sep. 1789, is hereby extended to all and every of the clerks employed in the treasury department, as fully and effectually as if they and every of them were specially named therein, except as to the penalty in such section mentioned, which in case of any such clerk offending against the provisions of the said section, shall be 500 dollars, and removal from office, March. 3. 1791. c. 18, § 1.

9. The Secretary of the Treasury shall direct the superintendence of the collection of the duties on impost and tonnage as he shall judge best. The office of assistant to the Secretary of the Treasury is abolished, and instead thereof there shall be an officer, to be denominated Commissioner of the Revenue, who shall be charged with superintending, under the direction of the head of the department, the collection of the other Revenues of the U. S. and shall execute such other services, being conformable to the

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constitution of the department, as shall be directed by the Secretary of the Treasury. May 8, 1792, c. 37. § 6.

10. In every case of an account or claim not finally adjusted, upon which the present Comptroller of the Treasury, as Auditor, may have decided, it shall be the duty of the Commissioner of the Revenue, and of the Auditor of the Treasury, finally to adjust the same, and in case of disagreement between the said Commissioner and Auditor, the decision of the Attorney General shall be final. *ibid.* § 7.

11. The forms of keeping and rendering all public accounts whatsoever, shall be prescribed by the department of the Treasury. *ibid.* § 9.

12. The restriction on the clerks of the department of the treasury, so far as respects the carrying on of any trade or business, other than in the funds, or debts of the U. S. or of any state, or in any kind of public property, is abolished, and such restriction, so far as respects the funds or debts of the U. S. or of any state, or any public property of either, shall be extended to the commissioner of the revenue, to the several commissioners of loans, and to all persons employed in their respective offices, & to all officers of the U. S. concerned in the collection or disbursement, of the revenues thereof. (See. *Duties, collection of.* art. 87.) under the penalties prescribed in the 8th § of the act, intituled, "An act to establish the treasury department," and the provisions relative to the officers in the treasury department, contained in the "Act to establish the post office and post roads," shall be extended and applied to the commissioner of the revenue. *ibid.* § 12.

13. The Secretary of the Treasury shall cause to be provided, for the use of the several collectors in the U. S. printed clearances, on the back whereof shall be a printed account of the methods, which have been found to answer for obtaining fresh, from salt water, and of constructing extempore stills, of such implements, as are generally on board of every vessel, with a recommendation, in all cases, where they shall have occasion to resort to this expedient for obtaining water, to publish the result of their trial in some gazette, on their return to the U. S. or to communicate it for publication, to the office of the Secretary of State, in order that others may, by their success, be encouraged to make similar trials, and be benefited by any improvements or new ideas, which may occur to them in practice. *Resol.* May 8, 1792.

14. In case of vacancy in the office of Secretary of the Treasury, or of any officer of the said department, whose appointment is not in the head thereof, the President may authorise any person or persons to perform the duties of the same, until a successor be appointed, any time not longer than 6 months. Feb. 13, 1795, c. 86.

15. There shall be in the department of the treasury, an officer to be denominated, "Purveyor of Public Supplies," whose duty shall be, under the direction and supervision of the Secretary

of the Treasury, to conduct the procuring and providing of all arms, military and naval stores, provisions, cloathing, Indian goods, and generally all articles of supply, requisite for the service of the U. S. and whose compensation shall be, a salary of 2000 dollars per annum. And all letters to and from the said officer shall be received and conveyed by post free of postage. Feb. 23, 1795, c. 92, § 1.

16. The said officer shall not directly or indirectly, be concerned, or interested, in carrying on the business of trade or commerce, or be owner in whole or in part, of any sea vessel, or purchase by himself or another, in trust for him, public lands, or any other public property, or be concerned in the purchase or disposal of any public securities of any state, or of the U. S. or take, or apply to his own use, any emolument or gain, for negotiating or transacting any business in the said department, other than what shall be allowed by law; and if he shall offend against any of the prohibitions of this act, he shall upon conviction, forfeit to the U. S. the penalty of 3000 dollars, and may be imprisoned for a term not exceeding 5 years, and shall be removed from office, and be forever thereafter incapable of holding any office under the U. S. *ibid.* § 2.

17. The said officer shall, before he enters on the duties of his office, give bond with sufficient sureties, to be approved by the Secretary of the Treasury, and Comptroller, in the sum of 20,000 dollars, payable to the U. S. with condition for the faithful performance of the duties of his said office; which bond shall be lodged in the office of the Comptroller. *ibid.* § 3. See *Debts of the U. S.* 58, 75, 81. *Duties on Carriages.* 3, 4, *Duties on Licences, &c.* 4. *Duties on Stamps.* 9. 16, 25. *Duties on Sugar refined &c.* 2. *Navy Department,* 6, 7, 8, 9, 10, 11.

## Treaties.

### *Treaty of Peace and Amity with ALGIERS.*

**Art. I.** FROM the date of the present treaty, there shall subsist a firm and sincere peace and amity between the President and citizens of the U. S. and Hassan Bashaw Dey of Algiers, his Divan and subjects: the vessels and subjects of both nations reciprocally treating each other with civility, honor and respect.

**Art. II.** All vessels belonging to the citizens of the U. S. shall be permitted to enter the different ports of the Regency, to trade with our subjects, or any other persons residing within our jurisdiction, on paying the usual duties at our custom-house that is paid by all nations at peace with this Regency; observing that all goods disembarked and not sold here shall be permitted to be reimported without paying any duty whatever, either for disembarking or embarking. All naval and military stores, such as gun-powder, lead, iron, plank, sulphur, timber for building, tar, pitch, rosin,

turpentine, and any other goods denominated naval and military stores, shall be permitted to be sold in this Regency, without paying any duties whatever at the custom-house of this Regency.

*Art. 3.* The vessels, of both nations shall pass each other without any impediment or molestation; and all goods, monies or passengers, of whatsoever nation, that may be on board of the vessels belonging to either party, shall be considered as inviolable, and shall be allowed to pass unmolested.

*Art. 4.* All ships of war belonging to this Regency, on meeting with merchant-vessels belonging to citizens of the U. S. shall be allowed to visit them with two persons only beside the rowers; these two only permitted to go on board said vessel, without obtaining express leave from the commander of said vessel, who shall compare the passport, and immediately permit said vessel to proceed on her voyage unmolested. All ships of war belonging to the U. S. on meeting with an Algerine cruiser, and shall have seen her passport and certificate from the Consul of the U. S. resident in this Regency, shall be permitted to proceed on her cruise unmolested; no passport to be issued to any ship but such as are absolutely the property of citizens of the U. S. and 18 months shall be the term allowed for furnishing the ships of the U. S. with passports.

*Art. 5.* No commander of any cruiser belonging to this regency, shall be allowed to take any person, of whatever nation or denomination, out of any vessel belonging to the U. S. in order to examine them, or under pretence of making them confess any thing desired; neither shall they inflict any corporal punishment, or any way else molest them.

*Art. 6.* If any vessel belonging to the U. S. shall be stranded on the coast of this Regency, they shall receive every possible assistance from the subjects of this Regency, all goods saved from the wreck shall be permitted to be re embarked on board of any other vessel, without paying any duties at the custom-house.

*Art. 7.* The Algerines are not, on any pretence whatever, to give or sell any vessel of war to any nation at war with the U. S. or any vessel capable of cruising to the detriment of the commerce of the U. S.

*Art. 8.* Any citizen of the U. S. having bought any prize condemned by the Algerines, shall not be again captured by the cruisers of the regency then at sea, although they have not a passport; a certificate from the consul resident being deemed sufficient, until such time they can procure such passport.

*Art. 9.* If any of the Barbary states at war with the U. S. shall capture any American vessel and bring her into any of the ports of this Regency, they shall not be permitted to sell her, but shall depart the port on procuring the requisite supplies of provision.

*Art. 10.* Any vessel belonging to the U. S. when at war with any other nation, shall be permitted to send their prizes into the ports of the Regency, have leave to dispose of them, without paying



any duties on sale thereof. All vessels wanting provisions or refreshments, shall be permitted to buy them at market price.

*Art. 11.* All ships of war belonging to the U. S. on anchoring in the ports of the regency, shall receive the usual presents of provisions and refreshments, gratis. Should any of the slaves of this regency make their escape on board said vessels, they shall be immediately returned. No excuse shall be made that they have hid themselves amongst the people and cannot be found, or any other equivocation.

*Art. 12.* No citizen of the U. S. shall be obliged to redeem any slave against his will, even should he be his brother; neither shall the owner of a slave be forced to sell him against his will: but all such agreements must be made by consent of parties. Should any American citizen be taken on board an enemy-ship, by the cruisers of this Regency having a regular passport, specifying they are citizens of the U. S. they shall be immediately set at liberty. On the contrary, they having no passport, they and their property shall be considered lawful prize; as this Regency know their friends by their passports.

*Art. 13.* Should any of the citizens of the U. S. die within the limits of this Regency, the Dey and his subjects shall not interfere with the property of the deceased; but it shall be under the immediate direction of the consul: unless otherwise disposed of by will. Should there be no consul the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; when they shall render an account of the property. Neither shall the Dey or Divan give hindrance in the execution of any will that may appear.

*Art. 14.* No citizen of the U. S. shall be obliged to purchase any goods against his will; but, on the contrary, shall be allowed to purchase whatever it pleaseth him. The consul of the U. S. or any other citizen, shall not be amenable for debts contracted by any one of their own nation; unless previously they have given a written obligation so to do. Should the Dey want to freight any American vessel that may be in the Regency, or Turkey, said vessel not being engaged, in consequence of the friendship subsisting between the two nations, he expects to have the preference given him, on his paying the same freight offered by any other nation.

*Art. 15.* Any disputes or suits at law, that may take place between the subjects of the Regency and the citizens of the U. S. shall be decided by the Dey in person, and no other. Any disputes that may arise between the citizens of the U. S. shall be decided by the consul; as they are in such cases not subject to the laws of this Regency.

*Art. 16.* Should any citizen of the U. S. kill, wound, or strike a subject of this Regency, he shall be punished in the same manner as a Turk, and not with more severity. Should any citizen of the U. S. in the above predicament, escape prison, the consul shall not become answerable for him.

*Art. 17.* The consul of the U. S. shall have every personal security given him and his household: he shall have liberty to exercise his religion in his own house: all slaves of the same religion shall not be impeded in going to said consul's house, at hours of prayer. The consul shall have liberty and personal security given him to travel whenever he pleases, within the Regency: he shall have free licence to go on board any vessel lying in our roads, whenever he shall think fit. The consul shall have leave to appoint his own drogaman and broker.

*Art. 18.* Should a war break out between the two nations, the consul of the U. S. and all citizens of said states, shall have leave to embark themselves and property unmolested, on board of what vessel or vessels they shall think proper.

*Art. 19.* Should the cruisers of Algiers capture any vessel, having citizens of the U. S. on board, they having papers to prove they are really so, they and their property shall be immediately discharged. And should the vessels of the U. S. capture any vessels of nations at war with them, having subjects of this Regency on board, they shall be treated in like manner.

*Art. 20.* On a vessel of war belonging to the U. S. anchoring in our ports, the consul is to inform the Dey of her arrival; and she shall be saluted with 21 guns, which she is to return in the same quantity or number. And the Dey will send fresh provisions on board, as is customary, gratis.

*Art. 21.* The consul of the U. S. shall not be required to pay duty for any thing he brings from a foreign country for the use of his house and family.

*Art. 22.* Should any disturbance take place between the citizens of the U. S. and the subjects of this regency, or break any article of this treaty, war shall not be declared immediately, but every thing shall be searched into regularly: the party injured shall be made reparation.

On the 21st of the Luna of Safer, 1210, corresponding with the 5th of September, 1795, Joseph Donaldson, jun. on the part of the U. S. agreed with Hassan Bashaw, Dey of Algiers, to keep the articles contained in this treaty sacred and inviolable; which we the Dey and Divan promise to observe, on consideration of the U. S. paying annually the value of 12,000 Algerine sequins in maritime stores. Should the U. S. forward a larger quantity, the overplus shall be paid for in money, by the Dey and Regency. Any vessel that may be captured from the date of this treaty of peace and amity, shall immediately be delivered up on her arrival in Algiers. Concluded the 5th Sept. 1795.

For the purpose of defraying the expences of carrying into effect the treaty made between the U. S. and the Dey and Regency of Algiers, the monies arising under the revenue laws of the U. S. which have been heretofore passed, not already appropriated to any other purpose, or so much thereof as may be necessary, to the amount of 24,000 dollars per annum, are hereby

pledged and appropriated for the payment of the annuity stipulated in the said treaty, to be paid to the said Dey and Regency of Algiers: and to continue so pledged and appropriated, so long as the said treaty shall be in force. May 6, 1796, c. 19.

### *Treaties with FRANCE.*

The United States are of right freed and exonerated from the stipulations of the treaties, and of the consular convention, heretofore concluded between the U. S. and France; and the same shall not henceforth be regarded as legally obligatory on the government or citizens of the U. S. July 7, 1798, c. 77.

### *Treaty of Peace with GREAT-BRITAIN.*

*Art. 1.* His Britannic majesty acknowledges the U. S. viz. New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina and Georgia, to be free, sovereign and independent states; that he treats with them as such; and for himself, his heirs and successors, relinquishes all claims to the government, propriety and territorial rights of the same, and every part thereof.

*Art. 2.* And that all disputes which might arise in future, on the subject of the boundaries of the said U. S. may be prevented, it is hereby agreed and declared, that the following are, and shall be their boundaries, viz. From the north-west angle of Nova-Scotia, viz. that angle which is formed by a line, drawn due north from the source of Saint Croix river to the Highlands; along the said Highlands which divide those rivers, that empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean, to the northwesternmost head of Connecticut river, thence down along the middle of that river, to the forty-fifth degree of north latitude; from thence, by a line due west on said latitude, until it strikes the river Iroquis or Cataraquy; thence along the middle of said river into Lake Ontario, through the middle of said lake until it strikes the communication by water between that lake and Lake Erie; thence along the middle of said communication into Lake Erie, through the middle of said lake until it arrives at the water-communication between that lake and Lake Huron; thence along the middle of said water communication into the Lake Huron; thence through the middle of said lake to the water communication between that lake and Lake Superior; thence through Lake Superior northward of the isles Royal and Philipeaux, to the Long Lake; thence through the middle of said Long Lake, and the water communication between it and the Lake of the Woods, to the said Lake of the Woods; thence through the said Lake to the most north-western point thereof, and from thence on a due west course to the river Mississippi; thence by a line to be drawn

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along the middle of the said river Mississippi until it shall intersect the northernmost part of the thirty first degree of north latitude. South by a line to be drawn due east from the determination of the line last mentioned, in the latitude of thirty-one degrees north of the Equator, to the middle of the river Apalachicola or Catahouche; thence along the middle thereof to its junction with the Flint river; thence straight to the head of St. Mary's river; and thence down along the middle of St. Mary's river to the Atlantic ocean. East by a line to be drawn along the middle of the river St. Croix, from its mouth in the Bay of Fundy to its source, and from its source directly north to the aforesaid Highlands which divide the rivers that fall into the Atlantic ocean, from those which fall into the river St. Lawrence: comprehending all islands within twenty leagues of any part of the shores of the U. S. and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova-Scotia on the one part, and East-Florida on the other, shall respectively touch the Bay, of Fundy and the Atlantic ocean; excepting such islands as now are, or heretofore have been within the limits of the said province of Nova-Scotia.

*Art. 3.* It is agreed that the people of the U. S. shall continue to enjoy unmolested the right to take fish of every kind on the Grand Bank, and on all the other banks of Newfoundland; also in the gulph of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time heretofore to fish; and also that the inhabitants of the U. S. shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that Island;) and also on the coasts, bays and creeks of all other of his Britannic Majesty's dominions in America: and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbours and creeks of Nova-Scotia, Magdalen islands, and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors or possessors of the ground.

*Art. 4.* It is agreed that creditors on either side, shall meet with no lawful impediment to the recovery of the full value in sterling money, of all bona fide debts heretofore contracted.

*Art. 5.* It is agreed that the Congress shall earnestly recommend it to the legislatures of the respective states, to provide for the restitution of all estates, rights and properties, which have been confiscated, belonging to real British subjects, and also of the estates, rights and properties of persons resident in districts in the possession of his Majesty's arms, and who have not born arms against the said U. S. And that persons of any other description shall have free liberty to go to any part or parts of any of the 13 U. S. and therein to remain 12 months, unmolested in their endeavours to obtain the restitution of such of their estates, rights

and properties, as may have been confiscated, and that Congress shall also earnestly recommend to the several States a reconsideration and revision of all acts or laws regarding the premises, so as to render the said laws or acts perfectly consistent, not only with justice and equity, but with that spirit of conciliation, which on the return of the blessings of peace should universally prevail. And that Congress shall also earnestly recommend to the several States, that the estates, rights and properties of such last mentioned persons shall be restored to them, they refunding to any persons who may be now in possession, the bona fide price (where any has been given) which such persons may have paid on purchasing any of the said lands, rights or properties, since the confiscation. And it is agreed, that all persons who have any interest in confiscated lands, either by debts, marriage settlements, or otherwise, shall meet with no lawful impediment in the prosecution of their just rights.

*Art. 6.* That there shall be no future confiscations made, nor any prosecutions commenced against any person or persons for, or by reason of the part which he or they may have taken in the present war; and that no person shall, on that account, suffer any further loss or damage, either in his person, liberty or property; and that those who may be in confinement on such charges, at the time of the ratification of the treaty in America, shall be immediately set at liberty, and the prosecutions so commenced be discontinued.

*Art. 7.* There shall be a firm and perpetual peace between his Britannic Majesty and the said States, and between the subjects of the one and the citizens of the other; wherefore all hostilities, both by sea and land, shall from henceforth cease: all prisoners on both sides shall be set at liberty, and his Britannic Majesty shall, with all convenient speed, and without causing any destruction, or carrying away any negroes or other property of the American inhabitants, withdraw all his armies, garrisons and fleets from the said U. S. and from every post, place and harbour within the same; leaving in all fortifications the American artillery that may be therein: and shall also order and cause all archives, records, deeds and papers, belonging to any of the said States, or their citizens, which in the course of the war may have fallen into the hands of his officers, to be forthwith restored and delivered to the proper States and persons to whom they belong.

*Art. 8.* The navigation of the river Mississippi, from its source to the ocean, shall forever remain free and open to the subjects of Great Britain and the citizens of the U. S.

*Art. 9.* In case it should so happen that any place or territory belonging to Great Britain or to the U. S. should have been conquered by the arms of either from the other, before the arrival of the said provisional articles in America, it is agreed that the same shall be restored without difficulty, and without requiring any compensation.

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*Art. 10.* The solemn ratifications of the present treaty, expedited in good and due form, shall be exchanged between the contracting parties, in the space of 6 months, or sooner if possible, to be computed from the day of the signature of the present treaty. Done at Paris this 3rd day of Sep. 1783.

*Treaty of Amity, Commerce and Navigation with  
GREAT-BRITAIN.*

*Art. 1.* There shall be a firm, inviolable and universal peace, and a true and sincere friendship between his Britannic Majesty, his heirs and successors and the U. S. and between their respective countries, territories, cities, towns and people of every degree, without exception of persons or places.

*Art. 2.* His Majesty will withdraw all his troops and garrisons from all posts and places within the boundary lines assigned by the treaty of peace to the U. S. This evacuation shall take place on or before the 1st June 1796, and all the proper measures shall in the interval be taken by concert between the government of the U. S. and his Majesty's Governor General in America, for settling the previous arrangements which may be necessary respecting the delivery of the said posts: The U. S. in the mean time at their discretion, extending their settlements to any part within the said boundary line, except within the precincts or jurisdiction of any of the said posts. All settlers and traders, within the precincts or jurisdiction of the said posts, shall continue to enjoy, unmolested, all their property of every kind, and shall be protected therein. They shall be at full liberty to remain there, or to remove with all or any part of their effects; and it shall also be free to them to sell their lands, houses, or effects, or to retain the property thereof, at their discretion; such of them as shall continue to reside within the said boundary lines, shall not be compelled to become citizens of the U. S. or to take any oath of allegiance to the government thereof; but they shall be at full liberty so to do if they think proper, and they shall make and declare their election within 1 year after the evacuation aforesaid. And all persons who shall continue there after the expiration of the said year, without having declared their intention of remaining subjects of his Britannic Majesty, shall be considered as having elected to become citizens of the U. S.

*Art. 3.* It is agreed that it shall at all times be free to his Majesty's subjects, and to the citizens of the U. S. and also to the Indians dwelling on either side of the said boundary line, freely to pass and repass by land or inland navigation, into the respective territories & countries of the two parties, on the continent of America (the country within the limits of the Hudson's bay Company only excepted) and to navigate all the lakes, rivers and waters thereof, and freely to carry on trade and commerce with each other. But it is understood, that this article does not extend to the admission of vessels of the U. S. into the sea-ports, harbours, bays, or creeks of his Majesty's said territories; nor into



such parts of the rivers in his Majesty's said territories as are between the mouth thereof, & the highest port of entry from the sea, except in small vessels trading bona fide between Montreal and Québec, under such regulations as shall be established to prevent the possibility of any frauds in this respect. Nor to the admission of British vessels from the sea into the rivers of the U. S. beyond the highest ports of entry for foreign vessels from the sea. The river Mississippi shall, however, according to the treaty of peace, be entirely open to both parties; and it is further agreed, that all the ports and places on its eastern side, to whichsoever of the parties belonging, may freely be resorted to and used by both parties, in as ample a manner as any of the Atlantic ports or places of the U. S. or any of the ports or places of his Majesty in Great-Britain.

All goods and merchandize whose importation into his Majesty's said territories in America, shall not be entirely prohibited, may freely, for the purposes of commerce, be carried into the same in the manner aforesaid, by the citizens of the U. S. and such goods and merchandize shall be subject to no higher or other duties, than would be payable by his Majesty's subjects on the importation of the same from Europe into the said territories. And in like manner, all goods and merchandize whose importation into the U. S. shall not be wholly prohibited, may freely, for the purpose of commerce, be carried into the same, in the manner aforesaid, by his Majesty's subjects, and such goods and merchandize shall be subject to no higher or other duties, than would be payable by the citizens of the U. S. on the importation of the same in American vessels into the Atlantic ports of the said territories respectively, may in like manner be carried out of the same by the two parties respectively, paying duty as aforesaid.

No duty of entry shall ever be levied by either party on peltries brought by land, or inland navigation into the said territories respectively, nor shall the Indians passing or repassing with their own proper goods and effects of whatever nature, pay for the same any impost or duty whatever. But goods in bales, or other large packages, unusual among Indians, shall not be considered as goods belonging bona fide to Indians.

No higher or other tolls or rates of ferriage than what are or shall be payable by natives, shall be demanded on either side; and no duties shall be payable on any goods which shall merely be carried over any of the portages or carrying-places on either side, for the purpose of being immediately re-imbarked and carried to some other place or places. But as by this stipulation it is only meant to secure to each party a free passage across the portages on both sides; it is agreed, that this exemption from duty shall extend only to such goods as are carried in the usual and direct road across the portage, and are not attempted to be in any manner sold or exchanged during their passage across the same, and

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proper regulations may be established to prevent the possibility of any frauds in this respect.

As this article is intended to render in a great degree the local advantages of each party common to both, and thereby to promote a disposition favorable to friendship and good neighbourhood, it is agreed, that the respective governments will mutually promote this amicable intercourse, by causing speedy and impartial justice to be done, and necessary protection to be extended to all who may be concerned therein.

*Art. 4.* Whereas it is uncertain whether the river Mississippi extends so far to the northward, as to be intersected by a line to be drawn due west from the Lake of the Woods, in the manner mentioned in the treaty of peace between his Majesty and the U. S. it is agreed, that measures shall be taken in concert between his Majesty's government in America and the government of the U. S. for making a joint survey of the said river from one degree of latitude below the falls of St. Anthony, to the principal source or sources of the said river, and also of the parts adjacent thereto; and that if on the result of such survey, it should appear that the said river, would not be intersected by such a line as is above-mentioned, the two parties will thereupon proceed by amicable negotiation, to regulate the boundary line in that quarter, as well as all other points to be adjusted between the said parties, according to justice and mutual convenience, and in conformity to the intent of the said treaty.

*Art. 5.* Whereas doubts have arisen what river was truly intended under the name of the river St. Croix, mentioned in the said treaty of peace, and forming a part of the boundary therein described; that question shall be referred to the final decision of commissioners to be appointed in the following manner, viz.

One commissioner shall be named by his Majesty, and one by the President of the U. S. by and with the advice and consent of the Senate thereof, and the said 2 commissioners shall agree on the choice of a third; or if they cannot so agree, they shall each propose 1 person, and of the 2 names so proposed, 1 shall be drawn by lot in the presence of the 2 original commissioners. And the 3 commissioners so appointed, shall be sworn, impartially to examine and decide the said question, according to such evidence as shall respectively be laid before them on the part of the British government and of the U. S. The said commissioners shall meet at Halifax, and shall have power to adjourn to such other place or places as they shall think fit. They shall have power to appoint a secretary, and to employ such surveyors or other persons as they shall judge necessary. The said commissioners shall, by a declaration, under their hands and seals, decide what river is the river St. Croix, intended by the treaty. The said declaration shall contain a description of the said river, and shall particularize the latitude and longitude of its mouth and of its source. Duplicates of this declaration and of the statements of their accounts, and of the journal of their proceedings, shall be delivered by them to the,

agent of his Majesty, and to the agent of the U. S. who may be respectively appointed and authorized to manage the business on behalf of the respective governments. And both parties agree to consider such decision as final and conclusive, so as that the same shall never thereafter be called into question, or made the subject of dispute or difference between them.

*Art. 6.* Whereas it is alleged by divers British merchants and others his Majesty's subjects, that debts, to a considerable amount which were bona fide contracted before the peace, still remain owing to them by citizens or inhabitants of the U. S. and that by the operation of various lawful impediments since the peace, not only the full recovery of the said debts has been delayed, but also the value and security thereof have been, in several instances, impaired and lessened, so that by the ordinary course of judicial proceedings, the British creditors cannot now obtain, and actually have and receive full and adequate compensation for the losses and damages which they have thereby sustained. It is agreed, that in all such cases, where full compensation for such losses and damages cannot, for whatever reason, be actually obtained, had and received by the said creditors in the ordinary course of justice the U. S. will make full and complete compensation for the same to the said creditors; But it is distinctly understood, that this provision is to extend to such losses only as have been occasioned by the lawful impediments aforesaid, and is not to extend to losses occasioned by such insolvency of the debtors; or other causes as would equally have operated to produce such loss, if the said impediments had not existed; nor to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimant.

For the purpose of ascertaining the amount of any such losses and damages, 5 commissioners shall be appointed, and authorized to meet and act in manner following, viz. Two of them shall be appointed by his Majesty, 2 of them by the President of the U. S. by and with the advice and consent of the Senate thereof, and the fifth by the unanimous voice of the other 4; and if they should not agree in such choice, then the commissioners named by the 2 parties shall respectively propose 1 person, and of the 2 names so proposed, 1 shall be drawn by lot, in the presence of the 4 original commissioners. When the 5 commissioners thus appointed shall first meet, they shall, before they proceed to act, respectively take the following oath, or affirmation, in the presence of each other, which oath, or affirmation, being so taken and duly attested, shall be entered on the record of their proceedings, viz. I, A. B. one of the commissioners appointed in pursuance of the sixth article of the treaty of amity, commerce and navigation, between his Britannic Majesty and the United States of America, do solemnly swear (or affirm) that I will honestly, diligently, impartially, and carefully examine, and to the best of my judgment, according to justice and equity, decide all such complaints, as under the said article shall be preferred to the said commission-



ers : and that I will forbear to act as a commissioner, in any case, in which I may be personally interested.

Three of the said commissioners shall constitute a board, and shall have power to do any act appertaining to the said commission, provided that 1 of the commissioners named on each side, and the fifth commissioner shall be present, and all decisions shall be made by the majority of the voices of the commissioners then present, 18 months from the day on which the said commissioners shall form a board, and be ready to proceed to business, are assigned for receiving complaints and applications; but they are nevertheless authorized, in any particular cases in which it shall appear to them to be reasonable and just, to extend the said term of 18 months, for any term not exceeding 6 months, after the expiration thereof. The said commissioners shall first meet at Philadelphia, but they shall have power to adjourn from place to place as they shall see cause.

The said commissioners in examining the complaints and applications so preferred to them, are empowered and required, in pursuance of the true intent and meaning of this article, to take into their consideration all claims, whether of principal or interest, or balances of principal and interest, and to determine the same respectively, according to the merits of the several cases, due regard being had to all the circumstances thereof, and as equity and justice shall appear to them to require. And the said commissioners shall have power to examine all such persons as shall come before them on oath or affirmation, touching the premises; and also to receive in evidence, according as they may think most consistent with equity and justice, all written depositions, or books, or papers, or copies, or extracts thereof; every such deposition, book, or paper, or copy, or extract, being duly authenticated, either according to the legal forms now respectively existing in the 2 countries, or in such other manner as the said commissioners shall see cause to require or allow.

The award of the said commissioners, or of any 3 of them as aforesaid, shall in cases be final and conclusive, both as to the justice of the claim, and to the amount of the sum to be paid to the creditor or claimant : And the U. S. undertake to cause the sum so awarded to be paid in specie to such creditor or claimant without deduction; and at such time or times, and at such place or places, as shall be awarded by the said commissioners; and on condition of such releases or assignments to be given by the creditor or claimant, as by the said commissioners may be directed : Provided always, that no such payment shall be fixed by the said commissioners to take place sooner than 12 months from the day of the exchange of the ratifications of this treaty.

*Art. 7.* Whereas complaints have been made by divers merchants and others, citizens of the U. S. that during the course of the war in which his majesty is now engaged, they have sustained considerable losses and damage, by reason of irregular or illegal captures, or condemnation of their vessels and other proper-

ty, under color of authority or commissions from his majesty, and that from various circumstances belonging to the said cases, adequate compensation for the losses and damages so sustained cannot now be actually obtained, had and received by the ordinary course of judicial proceedings: it is agreed, that in all such cases, where adequate compensation cannot, for whatever reason, be now actually obtained, had and received by the said merchants and others, in the ordinary course of justice, full and complete compensation for the same will be made by the British government to the said complainants. But it is distinctly understood, that this provision is not to extend to such losses or damages as have been occasioned by the manifest delay or negligence, or wilful omission of the claimant.

That for the purpose of ascertaining the amount of any such losses and damages, 5 commissioners shall be appointed and authorized to act in London, exactly in the manner directed with respect to those mentioned in the preceding article, and after having taken the same oath or affirmation (*mutatis mutandis*) the same term of 18 months is also assigned for the reception of claims, and they are in like manner authorized to extend the same in particular cases. They shall receive testimony, books, papers and evidence in the same latitude, and exercise the like discretion and powers respecting that subject; and shall decide the claims in question according to the merits of the several cases, and to justice, equity, and the laws of nations. The award of the said commissioners, or any such 3 of them as aforesaid, shall in all cases be final and conclusive, both as to the justice of the claim, and the amount of the sum to be paid to the claimant; and his Britannic majesty undertakes to cause the same to be paid to such claimant in specie, without any deduction, at such place or places and at such time or times, as shall be awarded by the said commissioners, and on condition of such releases or assignments to be given up by the claimant, as by the said commissioners may be directed.

And whereas certain merchants and others his majesty's subjects, complain, that in the course of the war they have sustained loss and damage, by reason of the capture of their vessels and merchandize, taken within the limits and jurisdiction of the states, and brought into the ports of the same, or taken by vessels originally armed in ports of the said states

It is agreed that in all such cases where restitution shall not have been made agreeably to the tenor of the letter from Mr. Jefferson to Mr. Hammond, dated at Philadelphia, Sept. 5, 1793, a copy of which is annexed to this treaty, the complaints of the parties shall be and hereby are referred to the commissioners to be appointed by virtue of this article, who are hereby authorized and required to proceed in the like manner relative to these as to the other cases committed to them: and the U. S. undertake to pay to the complainants or claimants in specie, without deduction, the amount of such sums as shall be awarded to

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them respectively by the said commissioners, and at the times and places which in such awards shall be specified ; and on condition of such releases or assignments to be given by the claimants as in the said awards may be directed : And it is further agreed, that not only the now-existing cases of both descriptions, but also all such as shall exist at the time of exchanging the ratifications of this treaty, shall be considered as being within the provisions, intent, and meaning of this article.

*Art. 8.* It is further agreed, that the commissioners mentioned in this & in the 2 preceding articles shall be respectively paid in such manner as shall be agreed between the 2 parties, such agreement being to be settled at the time of the exchange of the ratifications of this treaty. And all other expences attending the said commissions shall be defrayed jointly by the two parties, the same being previously ascertained & allowed by the majority of the commissioners. And in the case of death, sickness or necessary absence, the place of every such commissioner respectively shall be supplied in the same manner as such commissioner was first appointed, and the new commissioners shall take the same oath or affirmation and do the same duties.

*Art. 9.* It is agreed that British subjects who now hold lands in the territories of the U. S. and American citizens who now hold lands in the Dominions of his Majesty, shall continue to hold them according to the nature and tenure of their respective estates and titles therein ; and may grant, sell, or devise the same to whom they please, in like manner as if they were natives ; and that neither they nor their heirs, or assigns shall so far as may respect the said lands and the legal remedies incident thereto, be regarded as aliens.

*Art. 10.* Neither the debts due from individuals of the one nation to individuals of the other, nor shares, nor monies which they may have in the public funds, or in the public or private banks, shall ever in any event of war or national differences be sequestered or confiscated, it being unjust and impolitic that debts and engagements contracted and made by individuals, having confidence in each other and in their respective governments, should ever be destroyed or impaired by national authority on account of national differences and discontents.

*Art. 11.* It is agreed between his Majesty and the U. S. that there shall be a reciprocal and entirely perfect liberty of navigation and commerce between their respective people, in the manner, under the limitations and on the conditions specified in the following articles :

*Art. 12.* His Majesty consents that it shall and may be lawful during the time herein-after limited, for the citizens of the U. S. to carry to any of his Majesty's islands and ports in the West-Indies from the U. S. in their own vessels, not being above the burthen of 70 tons, any goods or merchandizes, being of the growth, manufacture or produce of the said states, which it is or may be lawful to carry to the said islands or ports from the said



states in British vessels and that the said American vessels shall be subject there to no other or higher tonnage duties or charges than shall be payable by British vessels in the ports of the U. S. and that the cargoes of the said American vessels shall be subject there to no other or higher duties or charges, than shall be payable on the like articles if imported there from the said states in British vessels.

And his Majesty also consents, that it shall be lawful for the said American citizens to purchase, load, and carry away in their said vessels to the U. S. from the said islands and ports, all such articles, being of the growth, manufacture or produce of the said islands, as may now by law be carried from thence to the said states in British vessels, & subject only to the same duties & charges on exportation, to which British vessels & their cargoes are or shall be subject in similar circumstances.

Provided always, that the said American vessels do carry and land their cargoes in the U. S. only, it being expressly agreed and declared, that during the continuance of this article, the U. S. will prohibit and restrain the carrying any molasses, sugar, coffee, cocoa or cotton in American vessels, either from his Majesty's islands, or from the U. S. to any part of the world except the U. S. reasonable sea-stores excepted: Provided also, that it shall and may be lawful, during the same period, for British vessels to import from the said islands into the U. S. and to export from the U. S. to the said islands, all articles whatever, being of the growth, produce or manufacture of the said islands, or of the U. S. respectively, which now may, by the laws of the said states, be so imported and exported. And that the cargoes of the said British vessels shall be subject to no other or higher duties or charges, than shall be payable on the same article if so imported or exported in American vessels.

It is agreed that this article and every matter and thing therein contained, shall continue to be in force during the continuance of the war in which his Majesty is now engaged; and also for 2 years from and after the day of the signature of the preliminary or other articles of peace, by which the same may be terminated.

And it is further agreed, that at the expiration of the said term, the two contracting parties will endeavour further to regulate their commerce in this respect, according to the situation in which his Majesty may then find himself with respect to the West-Indies, and with a view to such arrangements as may best conduce to the mutual advantage and extension of commerce. And the said parties will then also renew their discussions, and endeavour to agree, whether in any and what cases, neutral vessels shall protect enemy's property; and in what cases provisions and other articles, not generally contraband, may become such. But in the mean time, their conduct towards each other in these respects, shall be regulated by the articles herein-after inserted on those subjects.

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*Art. 13.* His Majesty consents that the vessels belonging to the citizens of the U. S. shall be admitted & hospitably received, in all the sea-ports and harbours of the British territories in the East-Indies. And that the citizens of the said U. S. may freely carry on a trade between the said territories and the said U. S. in all articles of which the importation or exportation respectively, to or from the said territories, shall not be entirely prohibited. Provided only, that it shall not be lawful for them in any time of war between the British government and any other power or state whatever, to export from the said territories, without the special permission of the British government there, any military stores, or naval stores, or rice. The citizens of the U. S. shall pay for their vessels when admitted into the said ports no other or higher tonnage-duty than shall be payable on British vessels when admitted into the ports of the U. S. And they shall pay no other or higher duties or charges, on the importation or exportation of the cargoes of the said vessels, than shall be payable on the same articles when imported or exported in British vessels. But it is expressly agreed, that the vessels of the U. S. shall not carry any of the articles exported by them from the said British territories, to any port or place, except to some port or place in America, where the same shall be unladen, and such regulations shall be adopted by both parties, as shall from time to time be found necessary to enforce the due and faithful observance of this stipulation. It is also understood that the permission granted by this article, is not to extend to allow the vessels of the U. S. to carry on any part of the coasting-trade of the said British territories; but vessels going with their original cargoes, or part thereof, from one port of discharge to another, are not to be considered as carrying on the coasting-trade. Neither is this article to be construed to allow the citizens of the said states to settle or reside within the said territories, or to go into the interior parts thereof, without the permission of the British government established there; and if any transgression should be attempted against the regulations of the British government in this respect, the observance of the same shall and may be enforced against the citizens of America in the same manner as against British subjects or others transgressing the same rule. And the citizens of the U. S. whenever they arrive in any port or harbour in the said territories, or if they should be permitted in manner aforesaid, to go to any other place therein, shall always be subject to the laws, government and jurisdiction of what nature established in such harbour, port or place, according as the same may be. The citizens of the U. S. may also touch for refreshment at the island of St. Helena, but subject in all respects to such regulations as the British government may from time to time establish there.

*Art. 14.* There shall be between all the dominions of his Majesty in Europe and the territories of the U. S. a reciprocal and perfect liberty of commerce and navigation. The people and

inhabitants of the 2 countries respectively, shall have liberty freely and securely, and without hindrance and molestation, to come with their ships and cargoes to the lands, countries, cities, ports, places and rivers, within the dominions and territories aforesaid, to enter into the same, to resort there, and to remain and reside there, without any limitation of time. Also to hire and possess houses and ware-houses for the purposes of their commerce, and generally the merchants and traders on each side, shall enjoy the most complete protection and security for their commerce; but subject always as to what respects this article, to the laws and statutes of the 2 countries respectively.

*Art. 15.* It is agreed that no other or higher duties shall be paid by the ships or merchandize of the one party in the ports of the other, than such as are paid by the like vessels or merchandize of all other nations. Nor shall any other or higher duty be imposed in one country on the importation of any articles the growth, produce or manufacture of the other, than are or shall be payable on the importation of the like articles being of the growth, produce or manufacture of any other foreign country. Nor shall any prohibition be imposed on the exportation or importation of any articles to or from the territories of the two parties respectively, which shall not equally extend to all other nations.

But the British government reserves to itself the right of imposing on American vessels entering into the British ports in Europe, a tonnage duty equal to that which shall be payable by British vessels in the ports of America: And also such duty as may be adequate to countervail the difference of duty now payable on the importation of European and Asiatic goods, when imported into the U. S. in British or in American vessels.

The two parties agree to treat for the more exact equalization of the duties on the respective navigation of their subjects and people, in such manner as may be most beneficial to the two countries. The arrangements for this purpose shall be made at the same time, with those mentioned at the conclusion of the twelfth article of this treaty, and are to be considered as a part thereof. In the interval it is agreed, that the U. S. will not impose any new or additional tonnage duties on British vessels, nor increase the now subsisting difference between the duties payable on the importation of any articles in British or in American vessels.

*Art. 16.* It shall be free for the two contracting parties, respectively to appoint consuls for the protection of trade, to reside in the dominions and territories aforesaid; and the said consuls shall enjoy those liberties and rights which belong to them by reason of their function. But before any consul shall act as such, he shall be in the usual forms approved and admitted by the party to whom he is sent; and it is hereby declared to be lawful and proper, that in case of illegal or improper conduct towards the laws or government, a consul may either be punished according to law, if the laws will reach the case, or be dismissed, or even sent back,

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the offended government assigning to the other their reasons for the same.

Either of the parties may except from the residence of consuls such particular places, as such party shall judge proper to be so excepted.

*Art. 17.* It is agreed, that in all cases where vessels shall be captured or detained on just suspicion of having on board enemy's property, or of carrying to the enemy any of the articles which are contraband of war; the said vessel shall be brought to the nearest or most convenient port; and if any property of an enemy should be found on board such vessel, that part only which belongs to the enemy shall be made prize, and the vessel shall be at liberty to proceed with the remainder without any impediment. And it is agreed, that all proper measures shall be taken to prevent delay, in deciding the cases of ships or cargoes so brought in for adjudication; and in the payment or recovery of any indemnification, adjudged or agreed to be paid to the masters or owners of such ships.

*Art. 18.* In order to regulate what is in future to be esteemed contraband of war, it is agreed, that under the said denomination shall be comprised all arms and implements serving for the purposes of war, by land or sea, such as cannon, muskets, mortars, petards, bombs, grenades, carcasses, saucisses, carriages for cannon, musket rests, bandoliers, gunpowder, match, saltpetre, ball, pikes, swords, head-pieces, cuirasses, halberts, lances, javelins, horse-furniture, holsters, belts, and generally all other implements of war; as also timber for ship-building, tar or rozin, copper in sheets, sails, hemp, & cordage, and generally whatever may serve directly to the equipment of vessels, unwrought iron and fir planks only excepted; and all the above articles are hereby declared to be just objects of confiscation, whenever they are attempted to be carried to an enemy.

And whereas the difficulty of agreeing on the precise cases in which alone provisions and other articles not generally contraband may be regarded as such, renders it expedient to provide against the inconveniencies and misunderstandings which might thence arise: It is further agreed, that whenever any such articles so becoming contraband, according to the existing laws of nations, shall for that reason be seized, the same shall not be confiscated, but the owners thereof shall be speedily and completely indemnified; and the captors, or in their default, the government under whose authority they act, shall pay to the masters or owners of such vessels, the full value of all such articles, with a reasonable mercantile profit thereon, together with the freight, and also the demurrage incident to such detention.

And whereas it frequently happens that vessels sail for a port or place belonging to an enemy, without knowing that the same is either besieged, blockaded or invested, it is agreed, that every vessel so circumstanced, may be turned away from such port or place, but she shall not be detained, nor her cargo, if not contraband, be confiscated, unless after notice she shall again attempt

to enter; but she shall be permitted to go to any other port or place she may think proper: Nor shall any vessel or goods of either party, that may have entered into such port or place, before the same was besieged, blockaded, or invested by the other, and he found therein after the reduction or surrender of such place, be liable to confiscation, but shall be restored to the owners or proprietors thereof.

*Art. 19.* And that more abundant care may be taken for the security of the respective subjects and citizens of the contracting parties, and to prevent their suffering injuries by the men of war or privateers of either party, all commanders of ships of war and privateers, and all others the said subjects and citizens, shall forbear doing any damage to those of the other party, or committing any outrage against them, and if they act to the contrary, they shall be punished, and shall also be bound in their persons and estates to make satisfaction and reparation for all damages, and the interest thereof, of whatever nature the said damages may be.

For this cause, all commanders of privateers, before they receive their commissions, shall hereafter be obliged to give, before a competent judge, sufficient security by at least 2 responsible sureties, who have no interest in the said privateer, each of whom together with the said commander, shall be jointly and severally bound in the sum of 1500 pounds sterling, or if such ships be provided with above 150 seamen or soldiers, in the sum of 3000 pounds sterling, to satisfy all damages and injuries, which the said privateer, or her officers or men, or any of them may do or commit during their cruise, contrary to the tenor of this treaty, or to the laws and instructions for regulating their conduct: and further, that in all cases of aggressions, the said commissions shall be revoked and annulled.

It is also agreed that whenever a judge of a court of admiralty of either of the parties, shall pronounce sentence against any vessel, or goods or property belonging to the subjects or citizens of the other party, a formal and duly authenticated copy of all the proceedings in the cause, and of the said sentence, shall, if required, be delivered to the commander of the said vessel, without the smallest delay, he paying all legal fees and demands for the same.

*Art. 20.* It is further agreed that both the said contracting parties, shall not only refuse to receive any pirates into any of their ports, havens, or towns, or permit any of their inhabitants to receive, protect, harbor, conceal or assist them in any manner, but will bring to condign punishment all such inhabitants as shall be guilty of such acts or offences.

And all their ships with the goods or merchandizes taken by them and brought into the port of either of the said parties, shall be seized as far as they can be discovered, and shall be restored to the owners, or their factors or agents, duly deputed and authorized in writing by them (proper evidence being first given

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in the court of admiralty, for proving the property) even in case such effects should have passed into other hands by sale, if it be proved that the buyers knew or had good reason to believe, or suspect that they had been piratically taken.

*Art. 21.* It is likewise agreed, that the subjects and citizens of the 2 nations, shall not do any acts of hostility or violence against each other, nor accept commissions or instructions so to act from any foreign prince or state, enemies to the other party; nor shall the enemies of one of the parties be permitted to invite, or endeavour to enlist in their military service, any of the subjects or citizens of the other party; and the laws against all such offences and aggressions shall be punctually executed. And if any subject or citizen of the said parties respectively, shall accept any foreign commission, or letters of marque, for arming any vessel to act as a privateer against the other party, and be taken by the other party, it is hereby declared to be lawful for the said party, to treat and punish the said subject or citizen, having such commission or letters of marque, as a pirate.

*Art. 22.* It is expressly stipulated, that neither of the said contracting parties will order or authorize any acts of reprisal against the other, on complaints of injuries or damages, until the said party shall first have presented to the other a statement thereof, verified by competent proof and evidence, and demanded justice and satisfaction, and the same shall either have been refused or unreasonably delayed.

*Art. 23.* The ships of war of each of the contracting parties shall, at all times, be hospitably received in the ports of the other, their officers and crews paying due respect to the laws and government of the country. The officers shall be treated with that respect which is due to the commissions which they bear, and if any insult should be offered to them by any of the inhabitants, all offenders in this respect shall be punished as disturbers of the peace and amity between the 2 countries. And his majesty consents, that in case an American vessel should, by stress of weather, danger from enemies or other misfortune, be reduced to the necessity of seeking shelter in any of his majesty's ports, into which such vessel could not in ordinary cases claim to be admitted, she shall, on manifesting that necessity to the satisfaction of the government of the place, be hospitably received and be permitted to refit, and to purchase at the market price, such necessaries as she may stand in need of, conformably to such orders and regulations as the government of the place, having respect to the circumstances of each case, shall prescribe. She shall not be allowed to break bulk or unload her cargo, unless the same shall be bona fide necessary to her being refitted. Nor shall be permitted to sell any part of her cargo, unless so much only as may be necessary to defray her expenses, and then not without the express permission of the government of the place. Nor shall she be obliged to pay any duties whatever, except only on such articles as she may be permitted to sell for the purpose aforesaid.



*Art. 24.* It shall not be lawful for any foreign privateers (not being subjects or citizens of either of the said parties) who have commissions from any other prince or state in enmity with either nation, to arm their ships in the ports of either of the said parties, nor to sell what they have taken, nor in any other manner to exchange the same; nor shall they be allowed to purchase more provisions, than shall be necessary for their going to the nearest port of that prince or state from whom they obtained their commissions.

*Art. 25.* It shall be lawful for the ships of war and privateers belonging to the said parties respectively, to carry whithersoever they please, the ships and goods taken from their enemies, without being obliged to pay any fee to the officers of the admiralty, or to any judges whatever; nor shall the said prizes when they arrive at, and enter the ports of the said parties, be detained or seized, neither shall the searchers or other officers of those places visit such prizes, (except for the purpose of preventing the carrying of any part of the cargo thereof on shore in any manner contrary to the established laws of revenue, navigation or commerce) nor shall such officers take cognizance of the validity of such prizes; but they shall be at liberty to hoist sail, and depart as speedily as may be, and carry their said prizes to the place mentioned in their commissions or patents, which the commanders of the said ships of war or privateers shall be obliged to shew. No shelter or refuge shall be given in their ports to such as have made a prize upon the subjects or citizens of either of the said parties; but if forced by stress of weather, or the dangers of the sea, to enter therein, particular care shall be taken to hasten their departure, and to cause them to retire as soon as possible. Nothing in this treaty contained shall, however, be construed or operate contrary to former and existing public treaties with other sovereigns or states. But the 2 parties agree, that while they continue in amity, neither of them will in future make any treaty that shall be inconsistent with this or the preceding article.

Neither of the said parties shall permit the ships or goods belonging to the subjects or citizens of the other, to be taken within cannon shot of the coast, nor in any of the bays, ports, or rivers of their territories, by ships of war, or others having commission from any prince, republic, or state whatever. But in case it should so happen, the party whose territorial rights shall thus have been violated, shall use his utmost endeavours to obtain from the offending party, full and ample satisfaction for the vessel or vessels so taken, whether the same be vessels of war or merchant vessels.

*Art. 26.* If at any time a rupture should take place, (which God forbid) between his Majesty and the U. S. the merchants and others of each of the 2 nations, residing in the dominions of the other, shall have the privilege of remaining and continuing their trade, so long as they behave peaceably, and commit no offence against the laws; and in case their conduct should render

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them suspected, and the respective governments should think proper to order them to remove, the term of 12 months from the publication of the order shall be allowed them for that purpose, to remove with their families, effects and property; but this favour shall not be extended to those who shall act contrary to the established laws; and for greater certainty, it is declared, that such rupture shall not be deemed to exist, while negotiations for accommodating differences shall be depending, nor until the respective ambassadors or ministers, if such there shall be, shall be recalled, or sent home on account of such differences, and not on account of personal misconduct, according to the nature and degrees of which both parties retain their rights, either to request the recal, or immediately to send home the ambassador or minister of the other; and that without prejudice to their mutual friendship and good understanding.

*Art. 27.* It is further agreed, that his Majesty and the U. S. on mutual requisitions, by them respectively, or by their respective ministers or officers authorized to make the same, will deliver up to justice all persons, who being charged with murder or forgery, committed within the jurisdiction of either, shall seek an asylum within any of the countries of the other, provided that this shall only be done on such evidence of criminality, as, according to the laws of the place, where the fugitive or person so charged shall be found, would justify his apprehension and commitment for trial, if the offence had there been committed. The expense of such apprehension and delivery shall be borne and defrayed, by those who make the requisition and receive the fugitive.

*Art. 28.* It is agreed, that the first 10 articles of this treaty shall be permanent, and that the subsequent articles, except the 12th, shall be limited in their duration to 12 years, to be computed from the day on which the ratifications of this treaty shall be exchanged, but subject to this condition, That whereas the said 12th article will expire by the limitation therein contained, at the end of 2 years from the signing of the preliminary or other articles of peace, which shall terminate the present war in which his Majesty is engaged, it is agreed, that proper measures shall by concert be taken, for bringing the subject of that article into amicable treaty and discussion, so early before the expiration of the said term, as that new arrangements on that head, may, by that time, be perfected, and ready to take place. But if it should unfortunately happen, that his Majesty and the U. S. should not be able to agree on such new arrangements, in that case, all the articles of this treaty, except the first 10, shall then cease and expire together.

DONE at London, this 19th day of Nov. 1794.

*Philadelphia, September 5, 1793.*

SIR,

I AM honored with yours of August, 30th. Mine of the 7th of that month assured you that measures were taken for excluding from all further asylum in our ports, vessels armed in them to cruize

on nations with which we are at peace, and for the restoration of the prizes the *Lovely Lass*, *Prince William Henry*, and the *Jane* of Dublin ; and that should the measures for restitution fail in their effect, the President considered it as incumbent on the United States to make compensation for the vessels.

We are bound by our treaties with three of the belligerent nations, by all the means in our power, to protect and defend their vessels and effects in our ports, or waters, or on the seas near our shores, and to recover and restore the same to the right owners when taken from them. If all the means in our power are used, and fail in their effect, we are not bound by our treaties with those nations to make compensation.

Though we have no similar treaty with Great-Britain, it was the opinion of the President, that we should use towards that nation the same rule, which under this article, was to govern us with the other nations ; and even to extend it to captures made on the high seas, and brought into our ports : if done by vessels which had been armed within them.

Having, for particular reasons, forbore to use all the means in our power for the restitution of the three vessels mentioned in my letter of August 7th, the President thought it incumbent on the United States to make compensation for them. And though nothing was said in that letter of other vessels taken under like circumstances and brought in after the 5th of June, and before the date of that letter, yet when the same forbearance had taken place, it was and is his opinion, that compensation would be equally due.

As to prizes made under the same circumstances, and brought in after the date of that letter, the President determined, that all the means in our power should be used for their restitution. If these fail, as we should not be bound by our treaties to make compensation to the other powers in the analogous case, he did not mean to give an opinion that it ought to be done to Great-Britain. But still if any cases shall arise subsequent to that date, the circumstances of which shall place them on similar ground with those before it, the President would think compensation equally incumbent on the U. S.

Instructions are given to the governors of the different states, to use all the means in their power for restoring prizes of this last description found within their ports. Though they will of course take measures to be informed of them, and the general government has given them the aid of the custom house officers for this purpose, yet you will be sensible of the importance of multiplying the channels of their information as far as shall depend on yourself, or any person under your direction, in order that the governors may use the means in their power for making restitution.

Without knowledge of the capture they cannot restore it. it will always be best to give the notice to them directly : but any information which you shall be pleased to send to me, also, at

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any time shall be forwarded to them as quickly as distance will permit.

Hence you will perceive, Sir, that the President contemplates restitution or compensation in the case before the 7th August, and after that date, restitution if it can be effected by any means in our power. And that it will be important that you should substantiate the fact, that such prizes are in our ports or waters.

Your list of the privateers illicitly armed in our ports is, I believe, correct.

With respect to losses by detention, waste, spoliation sustained by vessels taken as beforementioned, between the dates of June 5th and August 7th, it is proposed as a provisional measure, that the collector of the customs of the district, and the British consul, or any other person you please, shall appoint persons to establish the value of the vessel and cargo, at the time of her capture and of her arrival in the port into which she is brought, according to their value in that port. If this shall be agreeable to you, and you will be pleased to signify it to me, with the names of the prizes understood to be of this description, instructions will be given accordingly, to the collector of the customs where the respective vessels are.

Signed T. JEFFERSON.

**ADDITIONAL Art.** It is further agreed between the said contracting parties, that the operation of so much of the 12th art. of the said treaty as respects the trade which his said Majesty thereby consents may be carried on between the U. S. and his Islands in the West Indies, in the manner and on the terms and conditions therein specified, shall be suspended.

**EXPLANATORY Art.** "Whereas by the 3d art. of the treaty of amity, commerce and navigation, concluded at London, on the 19th day of Nov. 1794, between his Britannic Majesty and the U. S. it was agreed that it should at all times be free to his Majesty's subjects and to the citizens of the U. S. and also to the Indians dwelling on either side of the boundary line, assigned by the treaty of peace to the U. S. freely to pass and repass by land or inland navigation, into the respective territories and countries of the 2 contracting parties, on the continent of America, (the country within the limits of the Hudson's Bay company only excepted) and to navigate all the lakes, rivers and waters thereof, and freely to carry on trade and commerce with each other, subject to the provisions and limitations contained in the said article. And whereas by the 8th art. of the treaty of peace and friendship concluded at Greenville, on the 3d August, 1795, between the U. S. and the nations or tribes of Indians, called the Wyandots, Delawares, Shawanoes, Ottawas, Chippewas, Putawatimies, Miamis, Eel-River, Weeas, Kickapoos, Piankashaws and Kaskaskias, it was stipulated that no person should be permitted to reside at any of the towns or hunting camps of the said Indian tribes, as a trader, who is not furnished with a license for that purpose, under the authority of the U. S. Which latter stipulation has excited doubts, whether in its operation it may not interfere with the

due execution of the said 3d art. of the treaty of amity, commerce and navigation : And it being the sincere desire of his Britannic Majesty and of the U. S. that this point should be so explained, as to remove all doubts, and promote mutual satisfaction and friendship. And for this purpose, his Britannic Majesty having named for his commissioner, Phineas Bond, Esquire, his Majesty's Consul General for the middle and southern states of America, (and now his Majesty's Charge d'Affaires to the U. S.) and the President of the U. S. having named for their commissioner, Timothy Pickering, Esquire, Secretary of State of the U. S. to whom, agreeably to the laws of the U. S. he has intrusted this negociation ; They, the said commissioners, having communicated to each other their full powers, have, in virtue of the same, and conformably to the spirit of the last article of the said treaty of amity, commerce and navigation, entered into this explanatory article, and do by these presents explicitly agree and declare, That no stipulations in any treaty subsequently concluded by either of the contracting parties with any other state or nation, or with any Indian tribe, can be understood to derogate in any manner from the rights of free intercourse and commerce, secured by the aforesaid 3d art. of the treaty of amity, commerce and navigation, to the subjects of his Majesty and to the citizens of the U. S. and to the Indians dwelling on either side of the boundary line aforesaid ; but that all the said persons shall remain at full liberty freely to pass and repass by land or inland navigation, into the respective territories and countries of the contracting parties, on either side of the said boundary line, and freely to carry on trade and commerce with each other, according to the stipulations of the said 3d art. of the treaty of amity, commerce and navigation.

An act directing the appointment of agents, in relation to the sixth art. of the above treaty. June 23, 1797, c. 6.

The commissioners appointed under the 5th Article of the Treaty of amity commerce and navigation with his Britannic Majesty, shall not be obliged to particularize, in their description, the latitude and longitude of the source of the river, which may be found to be the one truly intended in the aforesaid Treaty of peace, under the name of the river St. Croix, but they shall be at liberty to describe the said river, in such other manner, as they may judge expedient, which description shall be considered as a complete execution of the duty required of the said commissioners in this respect by the Article aforesaid. And to the end that no uncertainty may hereafter exist on this subject, it is further agreed, That as soon as may be after the decision of the said commissioners, measures shall be concerted between the government of the U. S. and his Britannic Majesty's governors or Lieutenant Governors in America, in order to erect and keep in repair a suitable monument at the place ascertained and described to be the source of the said river St. Croix, which measures shall immediately thereupon, and as often afterwards as may

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This Explanatory Article, when the same shall have been ratified by his majesty and by the President of U. S. by and with the advice and consent of their senate, and the respective ratifications mutually exchanged, shall be added to and make a part of the treaty of amity, commerce and navigation between his Majesty and the U. S. signed at London on the 19th day of Nov. 1794, and shall be permanently binding upon his Majesty and the U. S.

DONE at London this 15th day of March 1798.

### *Treaty of peace and friendship with MOROCCO.*

*Art. 1.* We declare that both parties have agreed that this treaty, consisting of 25 articles shall be inserted in this book, and delivered to the Honorable Thomas Barclay, the agent of the U. S. now at our court, with whose approbation it has been made, and who is duly authorized on their part to treat with us concerning all the matters contained therein. *Art. 2.* If either of the parties shall be at war with any nation whatever, the other party shall not take a commission from the enemy, nor fight under their colors. *Art. 3.* If either of the parties shall be at war with any nation whatever, and take a prize belonging to that nation, and there shall be found on board subjects or effects belonging to either of the parties, the subjects shall be set at liberty, and the effects returned to the owners. And if any goods belonging to any nation, with whom either of the parties shall be at war, shall be loaded on vessels belonging to the other party, they shall pass free and unmolested, without any attempt being made to take or detain them. *Art. 4.* A signal or pass shall be given to all vessels belonging to both parties, by which they are to be known when they meet at sea; and if the commander of a ship of war of either party shall have other ships under his convoy, the declaration of the commander shall alone be sufficient to exempt any of them from examination. *Art. 5.* If either of the parties shall be at war, and shall meet a vessel at sea belonging to the other, it is agreed, that if an examination is to be made, it shall be done by sending a boat with 2 or 3 men only; and if any gun shall be fired, and injury done without reason, the offending party shall make good all damages. *Art. 6.* If any Moor shall bring citizens of the U. S. or their effects, to his majesty, the citizens shall immediately be set at liberty, and the effects restored; and in like manner, if any Moor, not a subject of these dominions, shall make prize of any of the citizens of America, or their effects, and bring them into any of the ports of his majesty, they shall be immediately released, as they will then be considered as under his majesty's protection. *Art. 7.* If any vessel of either party shall put into a port of the other, and have occasion for provisions or other supplies, they shall be furnished without any interruption or molestation. *Art. 8.* If any vessel of the U. S.



shall meet with a disaster at sea, and put into one of our ports to repair, she shall be at liberty to land and re-load her cargo, without paying any duty whatever. *Art. 9.* If any vessel of the U. S. shall be cast on shore on any part of our coasts, she shall remain at the disposition of the owners, and no one shall attempt going near her without their approbation, as she is then considered particularly under our protection; and if any vessel of the U. S. shall be forced to put into our ports by stress of weather, or otherwise, she shall not be compelled to land her cargo, but shall remain in tranquility until the commander shall think proper to proceed on his voyage. *Art. 10.* If any vessel of either of the parties shall have an engagement with a vessel belonging to any of the Christian powers within gun shot of the forts of the other, the vessel so engaged shall be defended and protected as much as possible until she is in safety; and if any American vessel shall be cast on shore on the coast of Wadnoon, or any coast thereabout, the people belonging to her shall be protected and assisted, until, by the help of God, they shall be sent to their country. *Art. 11.* If we shall be at war with any Christian power, and any of our vessels sail from the ports of the U. S. no vessel belonging to the enemy shall follow until 24 hours after the departure of our vessels; and the same regulation shall be observed towards the American vessels sailing from our ports, be their enemies Moors or Christians. *Art. 12.* If any ship of war belonging to the U. S. shall put into any of our ports, she shall not be examined on any pretence whatever, even though she should have fugitive slaves on board, nor shall the governor or commander of the place compel them to be brought on shore, on any pretext, nor require any payment for them. *Art. 13.* If a ship of war of either party shall put into a port of the other and salute, it shall be returned from the fort with an equal number of guns, not with more or less. *Art. 14.* The commerce with the U. S. shall be on the same footing as is the commerce with Spain, or as that with the most favored nation for the time being, and their citizens shall be respected and esteemed, and have full liberty to pass and repass our country and seaports whenever they please, without interruption. *Art. 15.* Merchants of both countries shall employ only such interpreters, and such other persons to assist them in their business, as they shall think proper. No commander of a vessel shall transport his cargo on board another vessel; he shall not be detained in port longer than he may think proper; and all persons employed in loading or unloading goods, or in any other labor whatever, shall be paid at the customary rates, not more and not less. *Art. 16.* In case of a war between the parties, the prisoners are not to be made slaves, but to be exchanged 1 for another, captain for captain, officer for officer, and 1 private man for another; and if there shall prove a deficiency on either side, it shall be made up by the payment of 100 Mexican dollars for each person wanting. And it is agreed that all prisoners shall be exchanged in 12 months from the time of their being taken, and that this exchange may

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be effected by a merchant or any other person authorised by either of the parties. *Art. 17.* Merchants shall not be compelled to buy or sell any kinds of goods but such as they shall think proper ; & may buy and sell all sorts of merchandize but such as are prohibited to the other Christian nations. *Art. 18.* All goods shall be weighed and examined before they are sent on board, and to avoid all detention of vessels, no examination shall afterwards be made, unless it shall first be proved that contraband goods have been sent on board, in which case, the persons who took the contraband goods on board, shall be punished according to the usage and custom of the country, and no other person whatever shall be injured, nor shall the ship or cargo incur any penalty or damage whatever. *Art. 19.* No vessel shall be detained in port on any pretence whatever, nor be obliged to take on board any articles without the consent of the commander, who shall be at full liberty to agree for the freight of any goods he takes on board. *Art. 20.* If any of the citizens of the U. S. or any persons under their protection, shall have any disputes with each other, the consul shall decide between the parties, and whenever the consul shall require any aid or assistance from our government, to enforce his decisions, it shall be immediately granted to him. *Art. 21.* If a citizen of the U. S. should kill or wound a Moor, or, on the contrary, if a Moor shall kill or wound a citizen of the U. S. the law of the country shall take place, and equal justice shall be rendered, the consul assisting at the trial ; and if any delinquent shall make his escape, the consul shall not be answerable for him in any manner whatever. *Art. 22.* If an American citizen shall die in our country, and no will shall appear, the consul shall take possession of his effects ; and if there shall be no consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them ; but if the heir to the person deceased be present, the property shall be delivered to him without interruption ; and if a will shall appear, the property shall descend agreeable to that will, as soon as the consul shall declare the validity thereof. *Art. 23.* The consuls of the U. S. shall reside in any sea-port of our dominions that they shall think proper ; and they shall be respected, and enjoy all the privileges which the consuls of any other nation enjoy ; and if any of the citizens of the U. S. shall contract any debts or engagements, the consul shall not be in any manner accountable for them, unless he shall have given a promise in writing for the payment or fulfilling thereof, without which promise in writing, no application to him for any redress shall be made. *Art. 24.* If any differences shall arise by either party infringing on any of the articles of this treaty, peace and harmony shall remain notwithstanding, in the fullest force, until a friendly application shall be made for an arrangement, and until that application shall be rejected, no appeal shall be made to arms. And if a war shall break out between the parties, 9 months

shall be granted to all the subjects of both parties, to dispose of their effects and retire with their property. And it is further declared, that whatever indulgences, in trade or otherwise shall be granted to any of the Christian Powers, the citizens of the U. S. shall be equally entitled to them. *Art. 25.* This treaty shall continue in full force, with the help of God, for 50 years.

Additional art. "That if any vessel belonging to the U. S. shall be in any of the ports of his Majesty's dominions, or within gunshot of his forts, she shall be protected as much as possible; and no vessel whatever, belonging either to Moorish or Christian Powers, with whom the U. S. may be at war, shall be permitted to follow or engage her, as we now deem the citizens of America our good friends."

Approved and concluded by JOHN ADAMS, London Jan. 25th, 1787, And by THOMAS JEFFERSON. Paris Jan. 1, 1787.

### *Treaty of Amity, and Commerce with PRUSSIA.*

*Art. 1.* There shall be a firm, inviolable and universal peace and sincere friendship between his majesty the king of Prussia, his heirs, successors and subjects, on the one part, and the U. S. and their citizens, on the other, without exception of persons or places. *Art. 2.* The subjects of his majesty the king of Prussia may frequent all the coasts and countries of the U. S. and reside and trade there in all sorts of produce, manufactures and merchandize, and shall pay within the said U. S. no other or greater duties, charges or fees whatsoever, than the most favored nations are or shall be obliged to pay; and they shall enjoy all the rights, privileges and exemptions in navigation and commerce, which the most favored nation does or shall enjoy; submitting themselves nevertheless to the laws and usages there established, and to which are submitted the citizens of the U. S. and the citizens and subjects of the most favored nations. *Art. 3.* In like manner the citizens of the U. S. may frequent all the coasts and countries of his majesty the king of Prussia, and reside and trade there in all sorts of produce, manufactures & merchandize, & shall pay in the dominions of his said Majesty no other or greater duties, charges or fees whatsoever than the most favoured nation is or shall be obliged to pay, and they shall enjoy all the rights, privileges and exemptions in navigation and commerce which the most favoured nation does or shall enjoy; submitting themselves nevertheless to the laws and usages there established, and to which are submitted the subjects of his Majesty the King of Prussia, and the subjects and citizens of the most favoured nations. *Art. 4.* More especially each party shall have a right to carry their own produce, manufactures and merchandize, in their own or any other vessels to any parts of the dominions of the other, where it shall be lawful for all the subjects or citizens of that other freely to purchase them; and thence to take the produce, manufactures and merchandize of the other, which all the said citizens or subjects shall in like manner be free to sell them, paying in both cas-

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es, such duties, charges and fees only, as are or shall be paid by the most favoured nation. Nevertheless the King of Prussia and the U. S. and each of them, reserve to themselves the right, where any nation restrains the transportation of merchandize to the vessels of the country of which it is the growth or manufacture, to establish against such nation retaliating regulations; and also the right to prohibit, in their respective countries, the importation and exportation of all merchandize whatsoever, when reasons of state shall require it. In this case, the subjects, or citizens of either of the contracting parties shall not import or export the merchandize prohibited by the other; but if one of the contracting parties permits any other nation to import or export the same merchandize, the citizens or subjects of the other shall immediately enjoy the same liberty. *Art. 5.* The merchants, commanders of vessels, or other subjects or citizens of either party, shall not, within the ports or jurisdiction of the other, be forced to unload any sort of merchandize into any other vessels, nor to receive them into their own, nor to wait for their being loaded longer than they please. *Art. 6.* That the vessels of either party loading within the ports or jurisdiction of the other, may not be uselessly harassed or detained, it is agreed, that all examinations of goods required by the laws, shall be made before they are laden on board the vessel, and that there shall be no examination after; nor shall the vessel be searched at any time, unless articles shall have been laden therein clandestinely and illegally, in which case the person by whose order they were carried on board, or who carried them without order, shall be liable to the laws of the land in which he is; but no other person shall be molested, nor shall any other goods, nor the vessel be seized or detained for that cause. *Art. 7.* Each party shall endeavour, by all the means in their power, to protect and defend all vessels and other effects belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction, by sea or by land; and shall use all their efforts to recover, and cause to be restored to the right owners, their vessels and effects which shall be taken from them within the extent of their said jurisdiction. *Art. 8.* The vessels of the subjects or citizens of either party, coming on any coast belonging to the other, but not willing to enter into port, or being entered into port, and not willing to unload their cargoes or break bulk, shall have liberty to depart and to pursue their voyage, without molestation, and without being obliged to render account of their cargo, or to pay any duties, charges or fees whatsoever, except those established for vessels entered into port, and appropriated to the maintenance of the port itself, or of other establishments for the safety and convenience of navigators, which duties, charges and fees shall be the same, and shall be paid on the same footing as in the case of subjects or citizens of the country where they are established: *Art. 9.* When any vessel of either party shall be wrecked, foundered or otherwise damaged on the coasts, or within the dominion of the other, their

respective subjects or citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case; and if the operations of repair shall require that the whole or any part of their cargo be unladed, they shall pay no duties, charges or fees on the part which they shall relade and carry away. The ancient and barbarous right to wrecks of the sea shall be entirely abolished, with respect to the subjects or citizens of the two contracting parties.

*Art. 10.* The citizens or subjects of each party shall have power to dispose of their personal goods within the jurisdiction of the other, by testament, donation or otherwise; and their representatives, being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament or *ab intestato*, and may take possession thereof either by themselves or by others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods, and for so long a time as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if question shall arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where, on the death of any person holding real estate within the territories of the one party, such real estate would by the laws of the land descend on a citizen or subject of the other, were he not disqualified by alienage, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all rights of deduction on the part of the government of the respective states. But this article shall not derogate in any manner from the force of the laws already published or hereafter to be published by his Majesty the King of Prussia to prevent the emigration of his subjects. *Art. 11.* The most perfect freedom of conscience and of worship, is granted to the citizens or subjects of either party, within the jurisdiction of the other, without being liable to molestation in that respect, for any cause other than an insult on the religion of others. Moreover, when the subjects or citizens of the one party, shall die within the jurisdiction of the other, their bodies shall be buried in the usual burying grounds, or other decent and suitable places, and shall be protected from violation or disturbance. *Art. 12.* If one of the contracting parties should be engaged in war with any other power, the free intercourse and commerce of the subjects or citizens of the party remaining neutral with the belligerent powers, shall not be interrupted. On the contrary, in that case as in full peace, the vessels of the neutral party may navigate freely to and from the ports and on the coasts of the belligerent parties, free vessels making free goods, inasmuch, that all things

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shall be adjudged free which shall be on board any vessel belonging to the neutral party, although such things belong to an enemy of the other; and the same freedom shall be extended to persons who shall be on board a free vessel, although they should be enemies to the other party, unless they be soldiers in actual service of such enemy. *Art. 13.* And in the same case of one of the contracting parties being engaged in war with any other power, to prevent all the difficulties and misunderstandings that usually arise respecting the merchandize heretofore called contraband, such as arms, ammunition & military stores of every kind, no such articles carried in the vessels, or by the subjects or citizens of one of the parties to the enemies of the other, shall be deemed contraband, so as to induce confiscation or condemnation and a loss of property to individuals. Nevertheless, it shall be lawful to stop such vessels and articles, and to detain them for such length of time as the captors may think necessary to prevent the inconvenience or damage that might ensue from their proceeding, paying however a reasonable compensation for the loss such arrest shall occasion to the proprietors: And it shall further be allowed to use in the service of the captors, the whole or any part of the military stores so detained, paying the owners the full value of the same, to be ascertained by the current price at the place of its destination. But in the case supposed, of a vessel stopped for articles heretofore deemed contraband, if the master of the vessel stopped will deliver out the goods supposed to be of contraband nature, he shall be admitted to do it, and the vessel shall not in that case be carried into any port, nor further detained, but shall be allowed to proceed on her voyage. *Art. 14.* And in the same case where one of the parties is engaged in war with another power, that the vessels of the neutral party may be readily and certainly known, it is agreed, that they shall be provided with sea-letters, or passports, which shall express the name, the property and burthen of the vessel, as also the name and dwelling of the master, which passports shall be made out in good and due forms, (to be settled by conventions between the parties whenever occasion shall require) shall be renewed as often as the vessel shall return into port; and shall be exhibited whensoever required, as well in the open sea as in port. But if the said vessel be under convoy of 1 or more vessels of war, belonging to the neutral party, the simple declaration of the officer commanding the convoy, that the said vessel belongs to the party of which he is, shall be considered as establishing the fact, and shall relieve both parties from the trouble of further examination. *Art. 15.* And to prevent entirely all disorder and violence in such cases, it is stipulated, that when the vessels of the neutral party, sailing without convoy, shall be met by any vessel of war, public or private, of the other party, such vessel of war shall not approach within cannon shot of the said neutral vessel, nor send more than 2 or 3 men in their boat on board the same, to examine her sea-letters or passports. And all persons belonging to any vessel of war,



public or private, who shall molest or injure, in any manner whatever, the people, vessels or effects of the other party, shall be responsible in their persons and property for damages and interest, sufficient security for which shall be given by all commanders of private armed vessels before they are commissioned.

*Art. 16.* It is agreed that the subjects or citizens of each of the contracting parties, their vessels and effects, shall not be liable to any embargo or detention on the part of the other, for any military expedition, or other public or private purpose whatsoever. And in all cases of seizure, detention or arrest, for debts contracted or offences committed by any citizen or subject of the one party, within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings in such cases.

*Art. 17.* If any vessel or effects of the neutral power be taken by an enemy of the other, or by a pirate, and retaken by that other, they shall be brought into some port of one of the parties, and delivered into the custody of the officers of that port, in order to be restored entire to the true proprietor, as soon as due proof shall be made concerning the property thereof.

*Art. 18.* If the citizens or subjects of either party, in danger from tempests, pirates, enemies or other accident, shall take refuge with their vessels or effects within the harbors or jurisdiction of the other, they shall be received, protected and treated with humanity and kindness, and shall be permitted to furnish themselves, at reasonable prices, with all refreshments, provisions, and other things necessary for their sustenance, health & accommodation, & for the repair of their vessels.

*Art. 19.* The vessels of war, public & private, of both parties, shall carry freely wheresoever they please, the vessels & effects taken from their enemies, without being obliged to pay any duties, charges or fees, to officers of admiralty, of the customs, or any others, nor shall such prizes be arrested, searched or put under legal process, when they come to and enter the ports of the other party, but may freely be carried out again at any time by their captors, to the places expressed in their commissions, which the commanding officer of such vessel shall be obliged to shew. But no vessel which shall have made prizes on the subjects of his most Christian majesty the king of France, shall have a right of asylum in the ports or havens of the said U. S. and if any such be forced therein by tempest, or dangers of the sea, they shall be obliged to depart as soon as possible, according to the tenor of the treaties existing between his said most Christian majesty & the said U. S.

*Art. 20.* No citizen or subject of either of the contracting parties shall take from any power with which the other may be at war, any commission or letter of marque for arming any vessel to act as a privateer against the other, on pain of being punished as a pirate; nor shall either party hire, lend or give any part of their naval or military force to the enemy of the other, to aid them offensively or defensively against that other.

*Art. 21.* If the two contracting parties should be engaged in war against a common enemy, the follow-

ing points shall be observed between them: 1st. If a vessel of one of the parties, retaken by a privateer of the other, shall not have been in possession of the enemy more than 24 hours, she shall be restored to the first owner for one-third of the value of the vessel and cargo; but if she shall have been more than twenty-four hours in possession of the enemy, she shall belong wholly to the recaptor. 2d. If in the same case the recapture were by a public vessel of war of the one party, restitution shall be made to the owner for one-thirtieth part of the value of the vessel and cargo, if she shall not have been in possession of the enemy more than 24 hours, and one-tenth of the said value where she shall have been longer, which sums shall be distributed in gratuities to the recaptors. 3d. The restitution in the cases aforesaid, shall be after due proof of property, and surety given for the part to which the recaptors are entitled. 4th. The vessels of war, public and private, of the two parties, shall be reciprocally admitted with their prizes into the respective ports of each; but the said prizes shall not be discharged nor sold there, until their legality shall have been decided, according to the laws and regulations of the states to which the captor belongs, but by the judicatures of the place into which the prize shall have been conducted. 5th. It shall be free to each party to make such regulations as they shall judge necessary for the conduct of their respective vessels of war, public and private, relative to the vessels which they shall take and carry into the ports of the two parties. *Art. 22.* Where the parties shall have a common enemy, or shall both be neutral, the vessels of war of each shall, upon all occasions, take under their protection the vessels of the other going the same course, & shall defend such vessels as long as they hold the same course, against all force and violence, in the same manner as they ought to protect and defend vessels belonging to the party of which they are. *Art. 23.* If war should arise between the two contracting parties, the merchants of either country, then residing in the other, shall be allowed to remain 9 months to collect their debts and settle their affairs, and may depart freely, carrying off all their effects, without molestation or hindrance: And all women and children, scholars of every faculty, cultivators of the earth, artizans, manufacturers and fishermen unarmed, and inhabiting unfortified towns, villages or places, and in general all others whose occupations are for the common subsistence and benefit of mankind, shall be allowed to continue their respective employments, and shall not be molested in their persons, nor shall their houses or goods be burnt, or otherwise destroyed, nor their fields wasted by the armed force of the enemy, into whose power, by the events of war, they may happen to fall; but if any thing is necessary to be taken from them for the use of such armed force, the same shall be paid for at a reasonable price. And all merchant and trading vessels employed in exchanging the products of different places, and thereby rendering the necessaries, conveniencies and comforts of human life more easy to be obtained, and more general, shall be allowed to pass free and unmolested; and neither of

the contracting powers shall grant or issue any commission to any private armed vessel, empowering them to take or destroy such trading vessels, or interrupt such commerce.

*Art. 24.* And to prevent the destruction of prisoners of war, by sending them into distant and inclement countries, or by crowding them into close and noxious places, the two contracting parties solemnly pledge themselves to each other, and to the world, that they will not adopt any such practice; that neither will send the prisoners whom they may take from the other into the East-Indies, or any other parts of Asia or Africa, but that they shall be placed in some part of their dominions in Europe or America, in wholesome situations; that they shall not be confined in dungeons, prison-ships, nor prisons, nor be put into irons, nor bound, nor otherwise restrained in the use of their limbs; that the officers shall be enlarged on their paroles within convenient districts, and have comfortable quarters, and the common men be disposed in cantonments open and extensive enough for air and exercise; and lodged in barracks as roomy and good as are provided by the party in whose power they are for their own troops; that the officers shall also be daily furnished by the party in whose power they are, with as many rations, and of the same articles and quality as are allowed by them, either in kind or by commutation, to officers of equal rank in their own army; and all others shall be daily furnished by them with such ration as they allow to a common soldier in their own service; the value whereof shall be paid by the other party on a mutual adjustment of accounts for the subsistence of prisoners at the close of the war: and the said accounts shall not be mingled with, or set off against any others, nor the balances due on them, be withheld as a satisfaction or reprisal for any other article, or for any other cause, real or pretended, whatever; that each party shall be allowed to keep a commissary of prisoners of their own appointment, with every separate cantonment of prisoners in possession of the other, which commissary shall see the prisoners as often as he pleases, shall be allowed to receive and distribute whatever comforts may be sent to them by their friends, and shall be free to make his reports in open letters to those who employ him; but if any officer shall break his parole, or any other prisoner shall escape from the limits of his cantonment, after they shall have been designated to him, such individual officer or other prisoner, shall forfeit so much of the benefit of this article as provides for his enlargement on parole or cantonment. And it is declared, that neither the pretence that war dissolves all treaties, nor any other whatever, shall be considered as annulling or suspending this & the next preceding art. but, on the contrary, that the state of war is precisely that for which they are provided, and during which they are to be as sacredly observed as the most acknowledged articles in the law of nature or nations. *Art. 25.* The two contracting parties grant to each other, the liberty of having each in the ports of the other, con-



suls, vice-consuls, agents and commissaries of their own appointment, whose functions shall be regulated by particular agreement; whenever either party shall chuse to make such appointment; but if any such consuls shall exercise commerce, they shall be submitted to the same laws and usages to which the private individuals of their nation are submitted in the same place. *Art. 26.* If either party shall hereafter grant to any other nation, any particular favor in navigation or commerce, it shall immediately become common to the other party, freely, where it is freely granted, to such other nation, or on yielding the compensation where such nation does the same. *Art. 27.* His Majesty the King of Prussia, and the U. S. agree, that this treaty shall be in force during the term of 10 years from the exchange of ratifications; and if the expiration of that term should happen during the course of a war between them, then the articles before provided for the regulation of their conduct during such a war, shall continue in force until the conclusion of the treaty which shall re-establish peace; and that this treaty shall be ratified on both sides, and the ratifications exchanged within 1 year from the day of its signature. *Concluded Sep. 1785.*

#### *Treaty of Friendship, Limits & Navigation with SPAIN.*

*Art. 1.* There shall be a firm and inviolable peace and sincere friendship between his Catholic Majesty, his successors and subjects, and the U. S. and their citizens, without exception of persons or places. *Art. 2.* To prevent all disputes on the subject of the boundaries which separate the territories of the two high contracting parties, it is hereby declared and agreed as follows, to wit. The southern boundary of the U. S. which divides their territory from the Spanish colonies of East and West Florida, shall be designated by a line beginning on the river Mississippi, at the northernmost part of the thirty-first degree of latitude north of the equator, which from thence shall be drawn due east to the middle of the river Apalachicola, or Catahouche, thence along the middle thereof to its junction with the Flint: thence strait to the head of St. Mary's river, and thence down the middle thereof to the Atlantic ocean. And it is agreed, that if there should be any troops, garrisons, or settlements of either party, in the territory of the other, according to the abovementioned boundaries, they shall be withdrawn from the said territory within the term of 6 months after the ratification of this treaty, or sooner if it be possible; and that they shall be permitted to take with them all the goods and effects which they possess.

*Art. 3.* In order to carry the preceding art. into effect, 1 commissioner and 1 surveyor shall be appointed by each of the contracting parties, who shall meet at the Natchez, on the left side of the river Mississippi, before the expiration of 6 months from the ratification of this convention, and they shall proceed to run and mark this boundary according to the stipulations of the said

article. They shall make plats and keep journals of their proceedings, which shall be considered as part of this convention, and shall have the same force as if they were inserted therein. And if on any account it should be found necessary that the said commissioners and surveyors should be accompanied by guards, they shall be furnished in equal proportions by the commanding officer of his majesty's troops in the two Floridas, and the commanding officer of the troops of the U. S. in their southwestern territory, who shall act by common consent, and amicably, as well with respect to this point as to the furnishing of provisions and instruments, and making every other arrangement which may be necessary or useful for the execution of this article. *Art. 4.* It is likewise agreed that the western boundary of the U. S. which separates them from the Spanish colony of Louisiana, is in the middle of the channel or bed of the river Mississippi, from the northern boundary of the said states to the completion of the 31st degree of latitude north of the equator. And his Catholic majesty has likewise agreed that the navigation of the said river, in its whole breadth from its source to the ocean, shall be free only to his subjects and the citizens of the U. S. unless he should extend this privilege to the subjects of other powers by special convention. *Art. 5.* The two high contracting parties shall, by all the means in their power, maintain peace and harmony among the several Indian nations who inhabit the country adjacent to the lines and rivers, which, by the preceding articles, form the boundaries of the two Floridas. And the better to obtain this effect, both parties oblige themselves expressly to restrain by force all hostilities on the part of the Indian nations living within their boundary: so that Spain will not suffer her Indians to attack the citizens of the U. S. nor the Indians inhabiting their territory; nor will the U. S. permit these last mentioned Indians to commence hostilities against the subjects of his Catholic Majesty or his Indians, in any manner whatever. And whereas several treaties of friendship exist between the two contracting parties and the said nations of Indians, it is hereby agreed that in future no treaty of alliance or other whatever (except treaties of peace) shall be made by either party with the Indians living within the boundary of the other, but both parties will endeavour to make the advantages of the Indian trade common and mutually beneficial to their respective subjects and citizens, observing in all things the most complete reciprocity, so that both parties may obtain the advantages arising from a good understanding with the said nations, without being subject to the expense which they have hitherto occasioned. *Art. 6.* Each party shall endeavour, by all means in their power, to protect and defend all vessels and other effects belonging to the citizens or subjects of the other, which shall be within the extent of their jurisdiction by sea or by land, and shall use all their efforts to recover and cause to be restored to the right owners, their vessels and effects which may have been ta-

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ken from them within the extent of their said jurisdiction, whether they are at war or not with the power whose subjects have taken possession of the said effects. *Art. 7.* And it is agreed that the subjects or citizens of each of the contracting parties, their vessels or effects, shall not be liable to any embargo or detention on the part of the other, for any military expedition or other public or private purpose whatever: And in all cases of seizure, detention, or arrest for debts contracted, or offences committed by any citizen or subject of the one party within the jurisdiction of the other, the same shall be made and prosecuted by order and authority of law only, and according to the regular course of proceedings usual in such cases. The citizens and subjects of both parties shall be allowed to employ such advocates, solicitors, notaries, agents and factors, as they may judge proper, in all their affairs, and in all their trials at law, in which they may be concerned, before the tribunals of the other party; and such agents shall have free access to be present at the proceedings in such causes, and at the taking of all examinations and evidence which may be exhibited in the said trials. *Art. 8.* In case the

subjects and inhabitants of either party, with their shipping, whether public and of war, or private and of merchants, be forced, through stress of weather, pursuit of pirates or enemies, or any other urgent necessity, for seeking of shelter and harbour, to retreat and enter into any of the rivers, bays, roads or ports belonging to the other party, they shall be received and treated with all humanity, and enjoy all favor, protection and help, and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals and all things needful for the sustenance of their persons, or reparation of their ships and prosecution of their voyage; and they shall no ways be hindered from returning out of the said ports or roads, but may remove and depart when and whither they please, without any let or hindrance. *Art. 9.* All ships and merchandize, of what nature soever, which shall be rescued out of the hands of any pirates or robbers on the high seas, shall be brought into some port of either state, and shall be delivered to the custody of the officers of that port, in order to be taken care of, and restored entire to the true proprietor, as soon as due and sufficient proof shall be made concerning the property thereof. *Art. 10.* When any vessel of either party shall be wrecked, foundered, or otherwise damaged, on the coasts or within the dominion of the other, their respective subjects or citizens shall receive, as well for themselves as for their vessels and effects, the same assistance which would be due to the inhabitants of the country where the damage happens, and shall pay the same charges and dues only as the said inhabitants would be subject to pay in a like case: And if the operations of repair should require that the whole or any part of the cargo be unladen, they shall pay no duties, charges or fees on the part which they shall relade and carry away. *Art. 11.* The citizens and subjects of each party shall have power to dispose of their



personal goods, within the jurisdiction of the other, by testament, donation or otherwise, and their representatives being subjects or citizens of the other party, shall succeed to their said personal goods, whether by testament or ab intestato, and they may take possession thereof, either by themselves or others acting for them, and dispose of the same at their will, paying such dues only as the inhabitants of the country wherein the said goods are, shall be subject to pay in like cases. And in case of the absence of the representative, such care shall be taken of the said goods, as would be taken of the goods of a native in like case, until the lawful owner may take measures for receiving them. And if questions shall arise among several claimants to which of them the said goods belong, the same shall be decided finally by the laws and judges of the land wherein the said goods are. And where on the death of any person holding real estate within the territories of the 1 party, such real estate would by the laws of the land descend on a citizen or subject of the other, were he not disqualified by being an alien, such subject shall be allowed a reasonable time to sell the same, and to withdraw the proceeds without molestation, and exempt from all rights of detraction on the part of the government of the respective states. *Art. 12.* The merchant-ships of either of the parties which shall be making into a port belonging to the enemy of the other party, and concerning whose voyage, and the species of goods on board her, there shall be just grounds of suspicion, shall be obliged to exhibit as well upon the high seas as in the ports and havens, not only her passports but likewise certificates, expressly shewing that her goods are not of the number of those which have been prohibited as contraband. *Art. 13.* For the better promoting of commerce on both sides, it is agreed, that if a war shall break out between the said two nations, one year after the proclamation of war shall be allowed to the merchants, in the cities and towns where they shall live, for collecting and transporting their goods and merchandizes: And if any thing be taken from them or any injury be done them within that term, by either party, or the people or subjects of either, full satisfaction shall be made for the same by the government. *Art. 14.* No subject of his Catholic Majesty shall apply for, or take any commission or letters of marque, for arming any ship or ships to act as privateers against the said U. S. or against the citizens, people or inhabitants of the said U. S. or against the property of any of the inhabitants of any of them, from any prince or state with which the said U. S. shall be at war. Nor shall any citizen, subject or inhabitant of the said U. S. apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the subjects of his Catholic Majesty, or the property of any of them, from any prince or state with which the said king shall be at war. And if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate. *Art. 15.* It shall be lawful for all & singular the subjects of his

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Catholic Majesty, and the citizens, people and inhabitants of the said U. S. to sail with their ships, with all manner of liberty and security, no distinction being made who are the proprietors of the merchandizes laden thereon, from any port to the places of those who now are, or hereafter shall be at enmity with his Catholic Majesty or the U. S. It shall be likewise lawful for the subjects and inhabitants aforesaid, to sail with the ships and merchandizes aforementioned, and to trade with the same liberty and security from the places, ports and havens of those who are enemies of both or either party, without any opposition or disturbance whatsoever, not only directly from the places of the enemy aforementioned, to neutral places, but also from a place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the same prince or under several; and it is hereby stipulated, that free ships shall also give freedom to goods, and that every thing shall be deemed free and exempt which shall be found on board the ships belonging to the subjects of either of the contracting parties, although the whole lading, or any part thereof, should appertain to the enemies of either: Contraband goods being always excepted. It is also agreed, that the same liberty be extended to persons who are on board a free ship, so that although they be enemies to either party they shall not be made prisoners or taken out of that free ship, unless they are soldiers and in actual service of the enemies.

*Art. 16.* This liberty of navigation and commerce shall extend to all kinds of merchandizes, excepting those only, which are distinguished by the name of contraband: And under this name of contraband or prohibited goods, shall be comprehended arms, great guns, bombs, with the fuses, and the other things belonging to them, cannon-ball, gunpowder, match, pikes, swords, lances, spears, halberds, mortars, petards, grenades, saltpetre, musquets, musquet-ball, bucklers, helmets, breast-plates, coats of mail, and the like kinds of arms, proper for arming soldiers, musquet-rests, belts, horses with their furniture, and all other warlike instruments whatever. These merchandizes which follow, shall not be reckoned among contraband or prohibited goods; that is to say, all sorts of cloths, and all other manufactures woven of any wool, flax, silk, cotton, or any other materials whatever; all kinds of wearing apparel, together with all species whereof they are used to be made; gold & silver, as well coined as uncoined, tin, iron, latten, copper, brass, coals; as also wheat, barley and oats, and any other kind of corn and pulse; tobacco, and likewise all manner of spices, salted and smoked flesh, salted fish, cheese and butter, beer, oils, wines, sugars, and all sorts of salts: And in general, all provisions which serve for the sustenance of life: Furthermore, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail-cloths, anchors, and any parts of anchors, also ships masts, planks and wood of all kind, and all other things proper either for building or repairing ships, and all other goods what-

ever, which have not been worked into the form of any instrument prepared for war, by land or by sea, shall not be reputed contraband, much less, such as have been already wrought and made up for any other use; all which shall be wholly reckoned among free goods: As likewise all other merchandizes and things which are not comprehended and particularly mentioned in the foregoing enumeration of contraband goods; So that they may be transported and carried in the freest manner by the subjects of both parties, even to places belonging to an enemy, such towns or places being only excepted, as are at that time besieged, blocked up, or invested. And except the cases in which any ship of war, or squadron shall, in consequence of storms or other accidents at sea, be under the necessity of taking the cargo of any trading vessel or vessels, in which case they may stop the said vessel or vessels, and furnish themselves with necessaries, giving a receipt, in order that the power to whom the said ship of war belongs, may pay for the articles so taken, according to the price thereof, at the port to which they may appear to have been destined by the ship's papers: & the two contracting parties engage, that the vessels shall not be detained longer than may be absolutely necessary for their said ships to supply themselves with necessaries: That they will immediately pay the value of the receipts, and indemnify the proprietor for all losses which he may have sustained in consequence of such transaction. *Art. 17.* To the end that all manner of dissensions and quarrels may be avoided and prevented on one side and the other, it is agreed, that in case either of the parties hereto, should be engaged in a war, the ships & vessels belonging to the subjects or people of the other party must be furnished with sea-letters or passports, expressing the name, property and bulk of the ship, as also the name and place of habitation of the master or commander of the said ship, that it may appear thereby, that the ship really and truly belongs to the subjects of one of the parties, which passport shall be made out and granted according to the form annexed to this treaty. They shall likewise be recalled every year, that is, if the ship happens to return home within the space of a year. It is likewise agreed, that such ships being laden, are to be provided not only with passports as above-mentioned, but also with certificates, containing the several particulars of the cargo, the place whence the ship sailed, that so it may be known whether any forbidden or contraband goods be on board the same: which certificates shall be made out by the officers of the place whence the ship sailed in the accustomed form: And if any one shall think it fit or advisable to express in the said certificates, the person to whom the goods on board belong, he may freely do so: Without which requisites they may be sent to one of the ports of the other contracting party, and adjudged by the competent tribunal, according to what is above set forth, that all the circumstances of this omission having been well examined, they shall be adjudged to be legal prizes, un-



less they shall give legal satisfaction of their property by testimony entirely equivalent. *Art. 18.* If the ships of the said subjects, people or inhabitants, of either of the parties, shall be met with, either sailing along the coasts or on the high seas, by any ship of war of the other, or by any privateer, the said ship of war or privateer, for the avoiding of any disorder, shall remain out of cannon shot, and may send their boats aboard the merchant ship, which they shall so meet with, and may enter her to number of 2 or 3 men only, to whom the master or commander of such ship or vessel shall exhibit his passports, concerning the property of the ship, made out according to the form inserted in this present treaty, and the ship when she shall have shewed such passport, shall be free & at liberty to pursue her voyage, so as it shall not be lawful to molest or give her chace in any manner; or force her to quit her intended course. *Art. 19.* Consuls shall be reciprocally established, with the privileges and powers which those of the most favored nations enjoy, in the ports where their consuls reside or are permitted to be. *Art. 20.* It is also agreed that the inhabitants of the territories of each party shall respectively have free access to the courts of justice of the other, and they shall be permitted to prosecute suits for the recovery of their properties, the payment of their debts, and for obtaining satisfaction for the damages which they may have sustained, whether the persons whom they may sue be subjects or citizens of the country in which they may be found, or any other persons whatsoever, who may have taken refuge therein; and the proceedings and sentences of the said courts shall be the same as if the contending parties had been subjects or citizens of the said country. *Art. 21.* In order to terminate all differences on account of the losses sustained by the citizens of the U. S. in consequence of their vessels and cargoes having been taken by the subjects of his Catholic Majesty, during the late war between Spain and France, it is agreed that all such cases shall be referred to the final decision of commissioners to be appointed in the following manner. His Catholic Majesty shall name one commissioner, and the President of the U. S. by and with the advice and content of their Senate, shall appoint another, and the said 2 commissioners shall agree on the choice of a 3rd, or if they cannot agree so, they shall each propose 1 person, and of the 2 names so proposed, 1 shall be drawn by lot in the presence of the 2 original commissioners, and the person whose name shall be so drawn, shall be the 3rd commissioner: and the 3 commissioners so appointed, shall be sworn impartially to examine and decide the claims in question, according to the merits of the several cases, and to justice, equity, and the laws of nations. The said commissioners shall meet & sit at Philadelphia: & in the case of the death, sickness, or necessary absence of any such commissioner, his place shall be supplied in the same manner as he was first appointed, and the new commissioner shall take the same oaths, and do the same duties. They shall receive all complaints and appli-

cations authorized by this article, during eighteen months from the day on which they shall assemble. They shall have power to examine all such persons as come before them on oath or affirmation, touching the complaints in question, and also to receive in evidence all written testimony, authenticated in such manner as they shall think proper to require or admit. The award of the said commissioners, or any 2 of them, shall be final and conclusive, both as to the justice of the claim and the amount of the sum to be paid to the claimants; and his Catholic Majesty undertakes to cause the same to be paid in specie, without deduction, at such times and places, and under such conditions as shall be awarded by the said commissioners.

*Art. 22.* The two high contracting parties, hoping that the good correspondence and friendship which happily reigns between them, will be further increased by this treaty, and that it will contribute to augment their prosperity & opulence, will in future give to their mutual commerce all the extension and favor which the advantages of both countries may require. And in consequence of the stipulations contained in the 4th art. his Catholic majesty will permit the citizens of the U. S. for the space of 3 years from this time, to deposit their merchandises and effects in the port of New Orleans, and to export them from thence without paying any other duty than a fair price for the hire of the stores, and his majesty promises either to continue this permission, if he finds during that time that it is not prejudicial to the interests of Spain, or if he should not agree to continue it there, he will assign to them, on another part of the banks of the Mississippi, an equivalent establishment. *Art. 23.* The present treaty shall not be in force until ratified by the contracting parties, and the ratifications shall be exchanged in 6 months from this time, or sooner if possible.—Done at San Lorenzo el Real, this 27th day of Oct. 1795.

### *Treaty of Amity & Commerce with SWEDEN.*

*Art. 1.* There shall be a firm, inviolable and universal peace, and a true and sincere friendship between the king of Sweden, his heirs and successors, and the U. S. and the subjects of his majesty, and those of the said states, and between the countries, islands, cities and towns, situated under the jurisdiction of the king, and of the said U. S. without any exception of persons or places; and the conditions agreed to in this present treaty, shall be perpetual and permanent between the king, his heirs and successors, and the said U. S. *Art. 2.* The king and the U. S. engage mutually, not to grant hereafter any particular favor to other nations in respect to commerce and navigation, which shall not immediately become common to the other party, who shall enjoy the same favor freely, if the concession was freely made, or on allowing the same compensation, if the concession was conditional. *Art. 3.* The subjects of the king of Sweden shall not pay in

the ports, havens, roads, countries, islands, cities and towns of the U. S. or in either of them, any other nor greater duties or imposts of what nature soever they may be, than those which the most favored nations are or shall be obliged to pay, and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce which the said nations do or shall enjoy, whether in passing from one port to another of the U. S. or in going to or from the same, from or to any part of the world whatever. *Art. 4.* The subjects and inhabitants of the said U. S. shall not pay in the ports, havens, roads, islands, cities and towns under the dominion of the king of Sweden, any other or greater duties or imposts of what nature soever they may be, or by what name soever called, than those which the most favored nations are or shall be obliged to pay; and they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce which the said nations do or shall enjoy, whether in passing from one port to another of the dominion of his said majesty, or in going to or from the same, from or to any part of the world whatever. *Art. 5.* There shall be granted a full, perfect and entire liberty of conscience to the inhabitants and subjects of each party, and no person shall be molested on account of his worship, provided he submits as far as regards the public demonstration of it to the laws of the country. Moreover, liberty shall be granted, when any of the subjects or inhabitants of either party die in the territory of the other, to bury them in convenient and decent places, which shall be assigned for the purpose. And the 2 contracting parties will provide each in its jurisdiction, that the subjects and inhabitants respectively may obtain certificates of the death, in case the delivery of them is required. *Art. 6.* The subjects of the contracting parties in the respective states, may freely dispose of their goods and effects either by testament, donation or otherwise, in favor of such persons as they think proper, and their heirs in whatever place they shall reside, shall receive the succession even *ab intestato*, either in person or by their attorney, without having occasion to take out letters of naturalization. These inheritances, as well as the capitals and effects, which the subjects of the two parties, in changing their abode, shall be desirous of removing from the place of their abode, shall be exempted from all duty called "*droit de detraction*," on the part of the government of the two states respectively. But it is at the same time agreed, that nothing contained in this article shall in any manner derogate from the ordinances published in Sweden against emigrations, or which may hereafter be published, which shall remain in full force and vigor. The U. S. on their part, or any of them, shall be at liberty to make respecting this matter, such laws as they think proper. *Art. 7.* All and every the subjects and inhabitants of the kingdom of Sweden, as well as those of the U. S. shall be permitted to navigate with their vessels in all safety and freedom, and without any regard to those to whom the mer-



ehandizes and cargoes may belong, from any port whatever; and the subjects and inhabitants of the 2 states, shall likewise be permitted to sail and trade with their vessels, and with the same liberty and safety to frequent the places, ports and havens of powers, enemies to both or either of the contracting parties, without being in any wise molested or troubled, and to carry on a commerce not only directly from the ports of an enemy to a neutral port, but even from 1 port of an enemy to another port of an enemy, whether it be under the jurisdiction of the same or of different princes. And as it is acknowledged by this treaty, with respect to ships and merchandises, that free ships shall make the merchandises free, and that every thing which shall be on board of ships belonging to subjects of the 1 or the other of the contracting parties, shall be considered as free, even though the cargo or a part of it should belong to the enemies of one or both; it is nevertheless provided, that contraband goods shall always be excepted; which being intercepted, shall be proceeded against according to the spirit of the following articles. It is likewise agreed, that the same liberty be extended to persons who may be on board a free ship, with this effect, that although they be enemies to both or either of the parties, they shall not be taken out of the free ship, unless they are soldiers in the actual service of the said enemies.

*Art. 8.* This liberty of navigation and commerce shall extend to all kinds of merchandizes, except those only which are expressed in the following article, and are distinguished by the name of contraband goods. *Art. 9.* Under the name of contraband or prohibited goods, shall be comprehended arms, great guns, cannon balls, arquebuses, muskets, mortars, bombs, petards, grenades, faucilles, pitch balls, carriages for ordnance, musket rests, bandoleers, cannon powder, matches, salt-petre, sulphur, bullets, pikes, sabres, swords, morions, helmets, cuirasses, halberds, javelins, pistols and their holsters, belts, bayonets, horses with their harness, and all other like kinds of arms and instruments of war for the use of troops. *Art. 10.* These which follow shall not be reckoned in the number of prohibited goods; that is to say: All sorts of cloths, & all other manufactures of wool, flax, silk, cotton or any other materials, all kinds of wearing apparel, together with the things of which they are commonly made, gold, silver coined or uncoined, brass, iron, lead, copper, latten, coals, wheat, barley, and all sorts of corn or pulse, tobacco, all kinds of spices, salted and smoked flesh, salted fish, cheese, butter, beer, oil, wines, sugar, all sorts of salt and provisions which serve for the nourishment and sustenance of man, all kinds of cotton, hemp, flax, tar, pitch, ropes, cables, sails, sail-cloth, anchors, and any parts of anchors, ship masts, planks, boards, beams, and all sorts of trees and other things proper for building or repairing ships; nor shall any goods be considered as contraband, which have not been worked into the form of any instrument or thing for the purpose of war by land or by sea, much less such as have been

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prepared or wrought up for any other use : all which shall be reckoned free goods, as likewise all others which are not comprehended and particularly mentioned in the foregoing article ; so that they shall not by any pretended interpretation be comprehended among prohibited or contraband goods ; on the contrary, they may be freely transported by the subjects of the King and of the U. S. even to places belonging to an enemy, such places only excepted as are besieged, blocked or invested, and those places only shall be considered as such, which are nearly surrounded by 1 of the belligerent powers. *Art. 11.* In order to avoid and prevent on both sides all disputes and discord, it is agreed, that in case 1 of the parties shall be engaged in a war, the ships and vessels belonging to the subjects or inhabitants of the other shall be furnished with sea-letters or passports, expressing the name, property and port of the vessel, and also the name and place of abode of the master or commander of the said vessel, in order that it may thereby appear that the said vessel really and truly belongs to the subjects of the one or the other party. These passports, which shall be drawn up in good and due form, shall be renewed every time the vessel returns home in the course of a year. It is also agreed, that the said vessels when loaded shall be provided not only with sea-letters, but also with certificates containing a particular account of the cargo, the place from which the vessel sailed, & that of her destination, in order that it may be known whether they carry any of the prohibited or contraband merchandizes, mentioned in the 9th art. of the present treaty ; which certificates shall be made out by the officers of the place from which the vessel shall depart. *Art. 12.* Although the vessels of the 1 and of the other party may navigate freely and with all safety, as is explained in the 7th art. they shall nevertheless be bound at all times when required, to exhibit as well on the high sea, as in port, their passports and certificates abovementiond. And not having contraband merchandize on board for an enemy's port, they may freely and without hindrance pursue their voyage to the place of their destination. Nevertheless, the exhibition of papers shall not be demanded of merchant-ships under the convey of vessels of war, but credit shall be given to the word of the officer commanding the convoy. *Art. 13.* If on producing the said certificates, it be discovered that the vessel carries some of the goods which are declared to be prohibited or contraband, and which are consigned to an enemy's port, it shall not however be lawful to break up the hatches of such ships, nor to open any chest, coffers, packs, casks or vessels, nor to remove or displace the smallest part of the merchandizes, until the cargo has been landed in the presence of officers appointed for the purpose, and until an inventory thereof has been taken ; nor shall it be lawful to sell, exchange or alienate the cargo or any part thereof, until legal process shall have been had against the prohibited merchandizes, and sentence shall have passed declaring them liable to confiscation, saving nevertheless as well the ships them-

selves, as the other merchandizes which shall have been found therein, which by virtue of this present treaty are to be esteemed free, and which are not to be detained on pretence of their having been loaded with prohibited merchandize, and much less confiscated as lawful prize. And in case the contraband merchandize be only a part of the cargo, and the master of the vessel agrees, consents and offers to deliver them to the vessel that has discovered them, in that case the latter, after receiving the merchandizes which are good prize, shall immediately let the vessel go, and shall not by any means hinder her from pursuing her voyage to the place of her destination. When a vessel is taken and brought into any of the ports of the contracting parties, if upon examination she be found to be loaded only with merchandizes declared to be free, the owner or he who has made the prize, shall be bound to pay all costs and damages to the master of the vessel unjustly detained. *Art. 14.* It is likewise agreed that whatever shall be found to be laden by the subjects of either of the two contracting parties, on a ship belonging to the enemies of the other party, the whole effects, although not of the number of those declared contraband, shall be confiscated as if they belong to the enemy, excepting nevertheless such goods and merchandizes as were put on board before the declaration of war, and even 6 months after the declaration, after which term none shall be presumed to be ignorant of it, which merchandizes shall not in any manner be subject to confiscation, but shall be faithfully & specifically delivered to the owners, who shall claim or cause them to be claimed before confiscation and sale, as also their proceeds, if the claim be made within eight months, and could not be made sooner after the sale, which is to be public: provided nevertheless, that if the said merchandizes be contraband, it shall not be in any wise lawful to carry them afterwards to a port belonging to the enemy. *Art. 15.* And that more effectual care may be taken for the security of the 2 contracting parties, that they suffer no prejudice by the men of war of the other party or by privateers, all captains and commanders of ships of his Swedish Majesty and of the U. S. and all their subjects, shall be forbidden to do any injury or damage to those of the other party, & if they act to the contrary, having been found guilty on examination by their proper judges, they shall be bound to make satisfaction for all damages and the interest thereof, and to make them good under pain and obligation of their persons and goods. *Art. 16.* For this cause every individual who is desirous of fitting out a privateer, shall before he receives letters patent, or special commission, be obliged to give bond with sufficient sureties, before a competent judge, for a sufficient sum, to answer all damages and wrongs which the owner of the privateer, his officers or others in his employ may commit during the cruise, contrary to the tenor of this treaty, and contrary to the edicts published by either party, whether by the King of Sweden or by the U. S. in virtue of this same treaty, and also under the penalty

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of having the said letters patent and special commission revoked and made void. *Art. 17.* One of the contracting parties being at war and the other remaining neuter, if it should happen that a merchant ship of the neutral power be taken by the enemy of the other party, and be afterwards retaken by a ship of war or privateer of the power at war, also ships and merchandizes of what nature soever they may be, when recovered from a pirate or sea rover, shall be brought into a port of 1 of the 2 powers, and shall be committed to the custody of the officers of the said port, that they may be restored entire to the true proprietor as soon as he shall have produced full proof of the property. Merchants, masters and owners of ships, seamen, people of all sorts, ships and vessels, and in general, all merchandizes and effects of 1 of the allies or their subjects, shall not be subject to any embargo, nor detained in any of the countries, territories, islands, cities, towns, ports, rivers or domains whatever, of the other ally, on account of any military expedition, or any public or private purpose whatever, by seizure, by force, or by any such manner; much less shall it be lawful for the subjects of 1 of the parties to seize or take any thing by force, from the subjects of the other party, without the consent of the owner. This however is not to be understood to comprehend seizures, detentions and arrests, made by order and by the authority of justice, and according to the ordinary course for debts or faults of the subject, for which process shall be had in the way of right according to the forms of justice. *Art. 18.* If it should happen that the two contracting parties should be engaged in a war at the same time with a common enemy, the following points shall be observed on both sides, 1st. If the ships of 1 of the 2 nations, re-taken by the privateers of the other, have not been in the power of the enemy more than 24 hours, they shall be restored to the original owner, on payment of one-third of the value of the ship & cargo. If, on the contrary, the vessel retaken has been more than 24 hours in the power of the enemy, it shall belong wholly to him who has retaken it. 2d. In case, during the interval of 24 hours, a vessel be retaken by a man of war of either of the 2 parties, it shall be restored to the original owner, on payment of a thirtieth part of the value of the vessel and cargo, and a tenth part if it has been retaken after the 24 hours, which sums shall be distributed as a gratification among the crew of the men of war that shall have made the recapture. 3rd. The prizes made in manner above mentioned, shall be restored to the owners, after proof made of the property, upon giving security for the part coming to him who has recovered the vessel from the hands of the enemy. 4th. The men of war and privateers of the two nations shall reciprocally be admitted with their prizes into each other's ports; but the prizes shall not be unloaded or sold there until the legality of a prize made by Swedish ships shall have been determined according to the laws and regulations established in Sweden, as also that of the prizes made by American vessels shall have been determined ac-

according to the laws & regulations established by the U. S. 5th. Moreover, the King of Sweden and the U. S. shall be at liberty to make such regulations as they shall judge necessary respecting the conduct which their men of war and privateers respectively shall be bound to observe, with regard to vessels which they shall take & carry into the ports of the two powers. *Art. 19.* The ships of war of his Swedish Majesty and those of the U. S. and also those which their subjects shall have armed for war, may, with all freedom, conduct the prizes which they shall have made from their enemies into the ports which are open in time of war to other friendly nations; and the said prizes, upon entering the said ports, shall not be subject to arrest or seizure, nor shall the officers of the places take cognizance of the validity of the said prizes, which may depart and be conducted freely and with all liberty to the places pointed out in their commissions, which the captains of the said vessels shall be obliged to shew. *Art. 20.* In case any vessel belonging to either of the two States, or to their subjects, shall be stranded, shipwrecked, or suffer any other damage on the coasts or under the dominion of either of the parties, all aid and assistance shall be given to the persons shipwrecked, or who may be in danger thereof, and passports shall be granted to them to secure their return to their own country. The ships and merchandizes wrecked, or their proceeds, if the effects have been sold, being claimed in a year and a day, by the owners or their attorney, shall be restored, on their paying the costs of salvage, conformable to the laws and customs of the two nations.

*Art. 21.* When the subjects and inhabitants of the two parties, with their vessels, whether they be public and equipped for war, or private or employed in commerce, shall be forced by tempest, by pursuit of privateers and of enemies, or by any other urgent necessity, to retire and enter any of the rivers, bays, roads or ports of either of the 2 parties, they shall be received and treated with all humanity and politeness, and they shall enjoy all friendship, protection and assistance, and they shall be at liberty to supply themselves with refreshments, provisions & every thing necessary for their sustenance, for the repair of their vessels, and for continuing their voyage; provided always that they pay a reasonable price: and they shall not in any manner be detained or hindered from sailing out of the said ports or roads, but they may retire and depart when and as they please, without any obstacle or hindrance. *Art. 22.* In order to favor commerce on both sides as much as possible, it is agreed, that in case a war should break out between the said two nations, which God forbid, the term of 9 months after the declaration of war, shall be allowed to the merchants and subjects respectively on 1 side and the other, in order that they may withdraw with their effects and moveables, which they shall be at liberty to carry off or to sell where they please, without the least obstacle: nor shall any seize their effects, and much less their persons, during the said 9 months; but on the contrary, passports which shall be valid for a

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time necessary for their return, shall be given them for their vessels, and the effects which they shall be willing to carry with them. And if any thing is taken from them, or if any injury is done to them by one of the parties, their people and subjects, during the term above prescribed, full and entire satisfaction shall be made to them on that account. The above mentioned passports shall also serve as a safe conduct against all insults or prizes which privateers may attempt against their persons and effects. *Art. 23.* No subject of the king of Sweden shall take a commission or letters of marque for arming any vessel to act as a privateer against the U. S. or any of them, or against the subjects, people or inhabitants of the said U. S. or any of them, or against the property of the inhabitants of the said states, from any prince or state whatever, with whom the said U. S. shall be at war. Nor shall any citizen, subject or inhabitant of the said U. S. or any of them, apply for or take any commission or letters of marque for arming any vessel to cruise against the subjects of his Swedish majesty, or any of them, or their property, from any prince or state whatever with whom his said majesty shall be at war. Any if any person of either nation shall take such commissions or letters of marque, he shall be punished as a pirate. *Art. 24.* The vessels of the subjects of either of the parties coming upon any of the coasts belonging to the other, but not willing to enter into port, or being entered into port, and not willing to unload their cargoes or to break bulk, shall not be obliged to do it, but on the contrary, shall enjoy all the franchises and exemptions which are granted by the rules subsisting with respect to that object. *Art. 25.* When a vessel belonging to the subjects and inhabitants of either of the parties, sailing on the high sea, shall be met by a ship of war or privateer of the other, the said ship of war or privateer, to avoid all disorder, shall remain out of cannon shot, but may always send their boat to the merchant ship, and cause 2 or 3 men to go on board of her, to whom the master or commander of the said vessel shall exhibit his passport, stating the property of the vessel; and when the said vessel shall have exhibited her passport, she shall be at liberty to continue her voyage, and it shall not be lawful to molest or search her in any manner, or to give her chase or force her to quit her intended course. *Art. 26.* The two contracting parties grant mutually the liberty of having each in the ports of the other, consuls, vice consuls, agents and commissaries, whose functions shall be regulated by a particular agreement. *Art. 27.* The present treaty shall be ratified on both sides, and the ratifications shall be exchanged in the space of 8 months, or sooner if possible, counting from the day of the signature. *Separate Arts.* The King of Sweden and the U. S. agree that the present treaty shall have its full effect for the space of 15 years, counting from the day of the ratification, and the 2 contracting parties reserve to themselves the liberty of renewing it at the end of that term. *Art. 1.* His Swedish majesty shall use all the means in his power to protect and defend the vessels and effects belonging to



the citizens or inhabitants of the U. S. and every of them, which shall be in the ports, havens, roads, or on the seas near the countries, islands, cities and towns of his said majesty, and shall use his utmost endeavors to recover and restore to the right owners, all such vessels and effects which shall be taken from them within his jurisdiction. *Art. 2.* In like manner, the U. S. shall protect and defend the vessels and effects belonging to the subjects of his Swedish majesty, which shall be in the ports, havens or roads, or on the seas near to the countries, islands, cities and towns of the said states, and shall use their utmost efforts to recover and restore to the right owners, all such vessels and effects which shall be taken from them within their jurisdiction. *Art. 3.* If in any future war at sea, the contracting powers resolve to remain neuter, and as such, to observe the strictest neutrality, then it is agreed, that if the merchant ships of either party should happen to be in a part of the sea where the ships of war of the same nation are not stationed, or if they are met on the high sea, without being able to have recourse to their own convoys, in that case the commander of the ships of war of the other party, if required, shall in good faith and sincerity give them all necessary assistance; and in such case, the ships of war and frigates of either of the powers shall protect and support the merchant-ships of the other; provided nevertheless, that the ships claiming assistance are not engaged in any illicit commerce, contrary to the principles of the neutrality. *Art. 4.* It is agreed & concluded that all merchants, captains of merchant-ships or other subjects of his Swedish Majesty, shall have full liberty in all places under the dominion or jurisdiction of the U. S. to manage their own affairs, and to employ in the management of them whomsoever they please; and they shall not be obliged to make use of any interpreter or broker, nor to pay them any reward unless they make use of them. Moreover, the masters of ships shall not be obliged, in loading or unloading their vessels, to employ labourers appointed by public authority for that purpose; but they shall be at full liberty, themselves, to load or unload their vessels, or to employ in loading or unloading them whomsoever they think proper, without paying reward under the title of salary to any other person whatever; and they shall not be obliged to turn over any kind of merchandizes to other vessels, nor to receive them on board their own, nor to wait for their lading longer than they please; and all and every of the citizens, people and inhabitants of the U. S. shall reciprocally have and enjoy the same privileges and liberties in all places, under the jurisdiction of the said realm. *Art. 5.* It is agreed that when merchandizes shall have been put on board the ships or vessels of either of the contracting parties, they shall not be subjected to any examination; but all examination and search must be before lading, and the prohibited merchandizes must be stopped on the spot before they are embarked, unless there is full evidence or proof of fraudulent practice on

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the part of the owner of the ship, or of him who has the command of her ; in which case, only he shall be responsible and subject to the laws of the country in which he may be. In all other cases, neither the subjects of either of the contracting parties, who shall be with their vessels in the ports of the other, nor their merchandizes, shall be seized or molested on account of contraband goods, which they shall have wanted to take on board, nor shall any kind of embargo be laid on their ships, subjects or citizens of the state whose merchandizes are declared contraband, or the exportation of which is forbidden ; those only who shall have sold or intended to sell or alienate such merchandize, being liable to punishment for such contravention.

*Done at Paris, the 3d day of April 1783.*

*Treaty of amity and commerce with the*  
**UNITED NETHERLANDS.**

*Art. 1.* There shall be a firm, inviolable and universal peace & sincere friendship, between their High Mightinesses, the Lords the States General of the United Netherlands, and the U. S. and between the subjects and inhabitants of the said parties, and between the countries, islands, cities and places, situate under the jurisdiction of the said United Netherlands, and the said U. S. their subjects and inhabitants, of every degree, without exception of persons or places. *Art. 2.* The subjects of the said States General of the United Netherlands, shall pay in the ports, havens, roads, countries, islands, cities or places, of the U. S. or any of them, no other nor greater duties or imposts, of whatever nature or denomination they may be, than those which the nations the most favoured, are or shall be obliged to pay ; and they shall enjoy all the rights, liberties, privileges, immunities, and exemptions in trade, navigation and commerce, which the said nations do or shall enjoy, whether in passing from one port to another, in the said states, or in going from any of those ports to any foreign port of the world, or from any foreign port of the world to any of those ports. *Art. 3.* The subjects and inhabitants of the said U. S. shall pay in the ports, havens, roads, countries islands, cities or places of the said United Netherlands, or any of them, no other nor greater duties or imposts of whatever nature or denomination they may be, than those which the nations the most favoured, are or shall be obliged to pay : And they shall enjoy all the rights, liberties, privileges, immunities and exemptions in trade, navigation and commerce, which the said nations do or shall enjoy, whether in passing from one port to another in the said states, or from any one towards any one of those ports from or to any foreign port of the world. And the U. S. with their subjects and inhabitants, shall leave to those of their High Mightinesses, the peaceable enjoyment of their rights, in the countries, islands and seas, in the East and West-Indies, without any hindrance or molestation. *Art. 4.* There shall be an entire

and perfect liberty of conscience allowed to the subjects and inhabitants of each party, and to their families, and no one shall be molested in regard to his worship, provided he submits as to the public demonstration of it, to the laws of the country: There shall be given moreover, liberty, when any subjects or inhabitants of either party shall die in the territory of the other, to bury them, in the usual burying places, or in decent and convenient grounds to be appointed for that purpose, as occasion shall require; and the dead bodies of those who are buried, shall not in any wise be molested. And the two contracting parties shall provide, each one in his jurisdiction, that their respective subjects and inhabitants may henceforward obtain the requisite certificates in cases of deaths, in which they shall be interested. *Art. 5.* Their High Mightinesses, the States General of the United Netherlands, and the U. S. shall endeavour, by all the means in their power, to defend and protect all vessels and other effects, belonging to their subjects and inhabitants respectively, or to any of them, in their ports, roads, havens, internal seas, passes, rivers, and as far as their jurisdiction extends at sea, and to recover, and cause to be restored to the true proprietors, their agents or attorneys, all such vessels and effects, which shall be taken under their jurisdiction: And their vessels of war and convoys, in cases when they may have a common enemy, shall take under their protection all the vessels belonging to the subjects, and inhabitants of either party, which shall not be laden with contraband goods, according to the description which shall be made of them hereafter, for places, with which one of the parties is in peace and the other at war, nor destined for any place blocked, and which shall hold the same course or follow the same route; and they shall defend such vessels as long as they shall hold the same course or follow the same route, against all attacks, force & violence of the common enemy, in the same manner, as they ought to protect and defend the vessels belonging to their own respective subjects. *Art. 6.* The subjects of the contracting parties may, on one side and on the other, in the respective countries and states, dispose of their effects, by testament, donation, or otherwise, and their heirs, subjects of one of the parties, and residing in the country of the other, or elsewhere, shall receive such successions, even *ab intestato*, whether in person or by their attorney or substitute, even although they shall not have obtained letters of naturalization, without having the effect of such commission contested, under pretext of any rights or prerogatives of any province, city, or private person; and if the heirs, to whom such successions may have fallen, shall be minors, the tutors or curators, established by the judge domiciliary of the said minors, may govern, direct, administer, sell and alienate the effects fallen to the said minors by inheritance, and in general, in relation to the said successions and effects, use all the rights, and fulfil all the functions which belong, by the disposition of the laws, to guardians, tutors and curators. Provided nevertheless, that this disposition cannot take place, but in cases where the testator shall not have named guardians,

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*Art. 7.* It shall be lawful and free for the subjects of each party, to employ such advocates, attornies, notaries, solicitors, or factors, as they shall judge proper. *Art. 8.* Merchants, masters and owners of ships, mariners, men of all kinds, ships and vessels, and all merchandizes and goods in general, and effects of one of the confederates, or of the subjects thereof, shall not be seized, or detained in any of the countries, lands, islands, cities, places, ports, shores, or dominions whatsoever of the other confederate, for any military expedition, public or private use of any one, by arrests, violence, or any colour thereof; much less shall it be permitted to the subjects of either party, to take or extort by force, any thing from the subjects of the other party, without the consent of the owner; which, however, is not to be understood of seizures, detentions and arrests, which shall be made by the command and authority of justice, and by the ordinary methods, on account of debts or crimes, in respect whereof, the proceedings must be by way of law, according to the forms of justice. *Art. 9.* It is further agreed and concluded, that it shall be wholly free for all merchants, commanders of ships, and other subjects and inhabitants of the contracting parties, in every place, subject to the jurisdiction of the two powers respectively, to manage themselves their own business; and moreover as to the use of interpreters or brokers, as also in relation to the loading or unloading of their vessels, and every thing which has relation thereto, they shall be, on one side and on the other, considered and treated upon the footing of natural subjects, or, at least, upon an equality with the most favoured nation. *Art. 10.* The merchant ships, of either of the parties, coming from the port of an enemy, or from their own, or a neutral port, may navigate freely towards any port of an enemy, of the other ally: they shall be, nevertheless, held whenever it shall be required, to exhibit, as well upon the high-seas, as in the ports, their sea letters, and other documents, described in the 25th art. stating expressly that their effects are not of the number of those, which are prohibited, as contraband; and not having any contraband goods for an enemy's port, they may freely and without hindrance, pursue their voyage towards the port of an enemy. Nevertheless, it shall not be required to examine the papers of vessels convoyed by vessels of war, but credence shall be given to the word of the officer, who shall conduct the convoy. *Art. 11.* If by exhibiting the sea-letters, and other documents, described more particularly in the 25th art. of this treaty, the other party shall discover there are any of those sorts of goods, which are declared prohibited, & contraband, & that they are consigned for a port under the obedience of his enemy, it shall not be lawful to break up the hatches of such ship, nor to open any chest, coffer, packs, casks, or other vessels found therein, or to remove the smallest parcel of her goods, whether the said vessel belongs to the subjects of their High Mightinesses, the States General of the United Netherlands, or to the subjects or inhabitants

of the said U. S. unless the lading be brought on shore, in presence of the officers of the court of admiralty, and an inventory thereof made; but there shall be no allowance to sell, exchange, or alienate the same, until after that due and lawful process shall have been had against such prohibited goods of contraband, and the court of admiralty, by a sentence pronounced, shall have confiscated the same, saving always as well the ship itself, as any other goods found therein, which are to be esteemed free, & may not be detained on pretence of their being infected by the prohibited goods, much less shall they be confiscated as lawful prize: but on the contrary, when by the visitation at land, it shall be found that there are no contraband goods in the vessel, and it shall not appear by the papers that he who has taken and carried in the vessel has been able to discover any there, he ought to be condemned in all the charges, damages and interests of them, which he shall have caused, both to the owners of the vessels, and to the owners & freighters of cargoes with which they shall be loaded, by his temerity in taking and carrying them in; declaring most expressly the free vessels shall assure the liberty of the effects with which they shall be loaded, and that this liberty shall extend itself equally to the persons who shall be found in a free vessel, who may not be taken out of her, unless they are military men actually in the service of an enemy. *Art. 12.* On the contrary, it is agreed, that whatever shall be found to be laden by the subjects and inhabitants of either party, on any ship belonging to the enemies of the other, or to their subjects, although it be not comprehended under the sort of prohibited goods, the whole may be confiscated in the same manner as if it belonged to the enemy; except nevertheless such effects and merchandizes as were put on board such vessel before the declaration of war, or in the space of 6 months after it, which effects shall not be, in any manner, subject to confiscation, but shall be faithfully and without delay restored in nature to the owners who shall claim them, or cause them to be claimed, before the confiscation and sale, as also their proceeds, if the claim could not be made but in the space of eight months after the sale, which ought to be public: Provided nevertheless, that if the said merchandizes are contraband, it shall by no means be lawful to transport them afterwards to any port belonging to enemies. *Art. 13.* And that more effectual care may be taken for the security of subjects and people of either party, that they do not suffer molestation from the vessels of war or privateers of the other party, it shall be forbidden to all commanders of vessels of war and other armed vessels of the said States General of the United Netherlands, and the said U. S. as well as to all their officers, subjects and people, to give any offence or do any damage to those of the other party; and if they act to the contrary, they shall be, upon the first complaint which shall be made of it, being found guilty after a just examination, punished by their proper judges, and moreover obliged to make satisfaction for all damages and interests

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thereof, by reparation, under pain and obligation of their persons and goods. *Art. 14.* For further determining of what has been said, all captains of privateers, or fitters-out of vessels armed for war, under commission and on account of private persons, shall be held, before their departure, to give sufficient caution, before competent judges, either to be entirely responsible for the malversations which they may commit in their cruizers or voyages, as well as for the contraventions of their captains and officers against the present treaty, and against the ordinances and edicts which shall be published in consequence of and conformity to it, under pain of forfeiture and nullity of the said commissions. *Art.*

15. All vessels and merchandizes of whatsoever nature, which shall be rescued out of the hands of any pirates or robbers, navigating the high seas without requisite commissions, shall be brought into some port of one of the two states, and deposited in the hands of the officers of that port in order to be restored entire to the true proprietor, as soon as due and sufficient proofs shall be made concerning the property thereof. *Art. 16.* If any

ships or vessels, belonging to either of the parties, their subjects or people, shall, within the coasts or dominions of the other, sicken upon the sands, or be wrecked or suffer any other sea-damage, all friendly assistance and relief shall be given to the persons shipwrecked, or such as shall be in danger thereof, and the vessels, effects and merchandizes, or the part of them which shall have been saved, or the proceeds of them, if, being perishable, they shall have been sold, being claimed within a year and a day by the masters or owners, or their agents or attornies, shall be restored, paying only the reasonable charges, and that which must be paid, in the same case, for the salvage, by the proper subjects of the country: there shall also be delivered them, safe conducts or passports, for their free and safe passage from thence, and to return, each one to his own country. *Art. 17.* In case the subjects or

people of either party, with their shipping, whether public and of war, or private and of merchants, be forced through stress of weather, pursuit of pirates or enemies, or any other urgent necessity for seeking of shelter and harbour, to retract and enter into any of the rivers, creeks, bays, ports, roads or shores, belonging to the other party, they shall be received with all humanity and kindness, and enjoy all friendly protection and help, and they shall be permitted to refresh and provide themselves, at reasonable rates, with victuals, and all things needful for the sustenance of their persons, or reparation of their ships; and they shall no ways be detained or hindered from returning out of the said ports or roads, but may remove and depart when and whither they please without any let or hindrance. *Art. 18.* For the better promoting of commerce, on both sides it is agreed, that if a war should break out, between their High Mightinesses the States General of the United Netherlands, and the U. S. there shall always be granted to the subjects on each side, the term of 9 months after the date of the rupture, or the proclamation of war,



to the end that they may retire, with, their effects and transport them where they please, which it shall be lawful for them to do, as well as to sell or transport their effects and goods, in all freedom and without any hindrance, and without being able to proceed, during the said term of nine months, to any arrest of their effects, much less of their persons; on the contrary, there shall be given them, for their vessels and their effects, which they would carry away, passports and safe conducts for the nearest ports of their respective countries, and for the time necessary for the voyage. And no prize made at sea, shall be adjudged lawful, at least, if the declaration of war was not or could not be known, in the last port, which the vessel taken, has quitted, but for whatever may have been taken from the subjects and inhabitants of either party, and for the offences which may have been given them, in the interval of the said terms, a complete satisfaction shall be given them. *Art. 19.* No subject of their high Mightinesses the States General of the United Netherlands, shall apply or take any commission or letters of marque, for arming any ship or ships to act as privateers against the said U. S. or any of them, or the subjects and inhabitants of the said U. S. or any of them, or against the property of the inhabitants of any of them, from any prince or state with which the said U. S. may happen to be at war; nor shall any subject or inhabitant of the said U. S. or any of them, apply for or take any commission or letters of marque for arming any ship or ships to act as privateers against the High and Mighty Lords the States General of the United Netherlands, or against the subjects of their High Mightinesses, or any of them, or against the property of any one of them, from any prince or state with which their High Mightinesses, may be at war: And if any person of either nation shall take such commission or letters of marque, he shall be punished as a pirate. *Art. 20.* If the vessels of the subjects or inhabitants of one of the parties come upon any coast belonging to either of the said allies, but not willing to enter into port, or being entered into port and not willing to unload their cargoes or break bulk, or take in any cargo, they shall not be obliged to pay, neither for the vessels nor the cargoes, any duties of entry in or out, or to render any account of their cargoes, at least if there is not just cause to presume that they carry to an enemy merchandizes of contraband.

*Art. 21.* The two contracting parties grant to each other mutually, the liberty of having each in the ports of the other, consuls, vice-consuls, agents and commissaries of their own appointing, whose functions shall be regulated by particular agreement, whenever either party chuses, to make such appointments. *Art. 22.* *This art. related to France & is consequently obsolete, the treaties with that country being repealed.* *Art. 23.* If at any time the U. S. shall judge necessary to commence negotiations with the King or Emperor of Morocco and Fez, and with the regencies of Algiers, Tunis or Tripoli, or with any of them, to obtain passports for the security of their navigation in the Mediterranean sea, their High

Mightinesses promise that upon the requisition which the U. S. shall make of it, they will second such negotiations in the most favorable manner, by means of their consuls, residing near the said King, Emperor & Regencies. *Art. 24.* The liberty of navigation & commerce shall extend to all sorts of merchandizes excepting only those which are distinguished under the name of contraband, or merchandizes prohibited: & under this denomination of contraband & merchandizes prohibited, shall be comprehended only war-like stores & arms, as mortars, artillery, with their artifices and appurtenances, fusils, pistols, bombs, grenades, gun-powder, saltpetre, sulphur, match, bullets and balls, pikes, sabres, lances, halberts, casques, cuirasses and other sorts of arms; as also soldiers, horses, saddles, and furniture for horses; all other effects and merchandizes, not before specified expressly, and even all sorts of naval matters, however proper they may be for the construction and equipment of vessels of war, or for the manufacture of one or another sort of machines of war by land or sea, shall not be judged contraband, neither by the letter, nor according to any pretended interpretation whatever, ought they, or can they be comprehended under the notion of effects prohibited or contraband. So that all effects and merchandizes, which are not expressly before named, may, without any exception, and in perfect liberty, be transported by the subjects and inhabitants of both allies, from and to places belonging to the enemy; excepting only the places which at the same time shall be besieged, blocked or invested; and those places only shall be held for such, which are surrounded nearly by some of the belligerent powers. *Art. 25.* To the end that all dissention and quarrel may be avoided and prevented, it has been agreed, that in case that one of the two parties happens to be at war, the vessels belonging to the subjects or inhabitants of the other ally, shall be provided with sea-letters or passports, expressing the name, the property and the burthen of the vessel, as also the name and the place of abode of the master, or commander of the said vessel, to the end, that thereby it may appear, that the vessel really and truly belongs to subjects or inhabitants of one of the parties; which passports shall be drawn and distributed, according to the form annexed to this treaty, each time that the vessel shall return, she should have such her passport renewed, or at least, they ought not to be of more ancient date than 2 years, before the vessel has been returned to her own country. It has been also agreed, that such vessels, being loaded, ought to be provided not only with the said passports or sea-letters, but also with a general passport, or with particular passports or manifests, or other public documents, which are ordinarily givento vessels outward bound in the ports from whence the vessels have set sail in the last place, containing a specification of the cargo, of the place from whence the vessel departed, and of that of her destination; or, instead of all these, with certificates from the magistrates or governors of cities, places and colonies, from whence the vessel came, given in the usual form, to the end that it may be known, whether there are any effects prohibited or contraband, on board the vessels, and

whether they are destined to be carried to an enemy's country or not ; and in case any one judges proper to express in the said documents, the persons to whom the effects on board belong, he may do it freely, without, however, being bound to do it ; and the omission of such expression cannot and ought not to cause a confiscation. *Art. 26.* If the vessels of the said subjects or inhabitants of either of the parties, sailing along the coasts or on the high seas, are met by a vessel of war, or privateer, or other armed vessel of the other party, the said vessels of war, privateers, or armed vessels for avoiding all disorder, shall remain without the reach of cannon, but may send their boats on board the merchant vessel, which they shall meet in this manner, upon which they may not pass more than two or three men, to whom the master or commander shall exhibit his passport, containing the property of the vessel, according to the form annexed to this treaty : And the vessel, after having exhibited such a passport, sea-letter and other documents, shall be free to continue her voyage, so that it shall not be lawful to molest her, or search her in any manner, nor to give her chase nor to force her to alter her course. *Art. 27.* It shall be lawful for merchants, captains and commanders of vessels, whether public and of war, or private and of merchants, belonging to the said U. S. or any of them, or to their subjects and inhabitants, to take freely into their service, and receive on board of their vessels, in any port or place in the jurisdiction of their High Mightinesses aforesaid, seamen or others, natives or inhabitants of any of the said states, upon such conditions as they shall agree on, without being subject for this, to any fine, penalty, punishment, process or reprehension whatsoever. And reciprocally, all merchants, captains and commanders, belonging to the said United Netherlands, shall enjoy, in all the ports and places under the obedience of the said U. S. the same privilege of engaging and receiving seamen or others, natives or inhabitants of any country of the denomination of the said States General : provided, that neither on one side nor the other, they may not take into their service such of their countrymen who have already engaged in the service of the other party contracting, whether in war or trade, and whether they meet them by land or sea ; at least if the captains or masters under the command of whom such persons may be found, will not of his own consent discharge them from their service ; upon pain of being otherwise treated and punished as deserters. *Art. 28.* The affair of the refraction shall be regulated in all equity and justice, by the magistrates of cities respectively, where it shall be judged that there is any room to complain in this respect. *Art. 29.* The present treaty shall be ratified and approved by their High Mightinesses the States General of the United Netherlands, and by the U. S. and the acts of ratification shall be delivered, in good and due form, on one side and on the other, in the space of 6 months or sooner if possible, to be computed from the day of the signature.



*Convention, concerning Vessels re-captured.*

*Art. 1.* The vessels of either of the 2 contracting nations recaptured by the privateers of the other, shall be restored to the first proprietor, if such vessels have not been 24 hours in the power of the enemy provided the owner of the vessel re-captured, pay therefor one third of the value of the vessel, as also of that of the cargo, the cannons & apparel, which third shall be valued by agreement, between, the parties interested : or, if they cannot agree thereon among themselves, they shall address themselves to the officers of the admiralty, of the place where the privateer who has re-taken the vessel shall have conducted her.

*Art. 2.* If the vessel re-captured has been more than 24 hours in the power of the enemy, she shall belong entirely to the privateer who has re-taken her. *Art. 3.* In case a vessel shall have been re-captured by a vessel of war, belonging to the States-General of the United Netherlands, or to the U. S. of America, she shall be restored to the first owner, he paying a thirtieth part of the value of the ship, her cargo, cannons and apparel, if she has been re captured in the interval of 24 hours, and the tenth part if she has been re-captured after the 24 hours, which sums shall be distributed in form of gratifications to the crews of the vessels which shall have re-taken her. The valuation of the said thirtieth parts and tenth parts, shall be regulated according to the tenor of the first art. of the present convention. *Art. 4.* The restitution of prizes, whether they may have been retaken by vessels of war or by privateers, in the mean time and until requisite and sufficient proofs can be given of the property of vessels re-captured, shall be admitted in a reasonable time, under sufficient sureties for the observation of the aforefaid articles. *Art. 5.* The vessels of war and privateers, of one and of the other of the two nations, shall be reciprocally, both in Europe and in the other parts of the world, admitted in the respective ports of each, with their prizes, which may be unloaded and sold according to the formalities used in the state where the prize shall have been conducted, as far as may be consistent with the 22nd art. of the treaty of commerce ; Provided always, That the legality of prizes by the vessels of the Low Countries, shall be decided conformably to the laws and regulations established in the United Netherlands ; as likewise, that of prizes made by American vessels, shall be judged according to the laws and regulations determined by the U. S. *Art. 6.* Moreover, it shall be free for the States General of the United Netherlands, as well as for the United States of America, to make such regulations as they shall judge necessary, relative to the conduct which their respective vessels & privateers ought to hold in relation to the vessels which they shall have taken and conducted into the ports of the two powers.

Done at the Hague, the 8th Oct. 1782.

## valuation of Lands & *Dwelling-Houses & enumeration of Slaves.*

1. **F**OR the purpose of making the valuations and enumerations herein after directed, there are designated and established, the following divisions to wit: The state of New-Hampshire shall contain 5 divisions, The 1st to consist of the county of Rockingham; the 2nd to consist of the county of Strafford; the 3d to consist of the county of Hillsborough; the 4th to consist of the county of Cheshire; and the 5th to consist of the county of Grafton. The state of Massachusetts shall contain 9 divisions; The 1st to consist of the counties of Hancock, Washington and Lincoln; the 2nd to consist of the counties of York and Cumberland; the 3d to consist of the county of Essex; the 4th to consist of the counties of Suffolk and Norfolk; the 5th to consist of the county of Middlesex; the 6th to consist of the counties of Bristol, Plymouth, Barnstable, Duke's county and Nantucket; the 7th to consist of the county of Worcester; the 8th to consist of the county of Hampshire; and the 9th to consist of the county of Berkshire. The state of Rhode-Island shall contain 3 divisions: The 1st to consist of the counties of Newport & Bristol; the 2nd to consist of the counties of Washington and Kent; and the 3d to consist of the county of Providence. The state of Connecticut shall contain 5 divisions: The 1st to consist of the counties of Hartford and Tolland; the 2d to consist of the counties of New-Haven and Middlesex; the 3d to consist of the counties of New-London and Windham; the 4th to consist of the county of Fairfield; and the 5th to consist of the county of Litchfield.

The state of Vermont shall contain 5 divisions: The 1st to consist of the counties of Windham and Windsor; the 2nd to consist of the counties of Bennington and Rutland; the 3rd to consist of the counties of Orange and Caledonia; the 4th to consist of the counties of Addison and Chittenden; and the 5th to consist of the counties of Franklin, Orleans and Essex. The state of New-York shall contain 9 divisions: The 1st to consist of the counties of Suffolk, Queen's, King's and Richmond; the 2nd to consist of the city and county of New-York; the 3rd to consist of the counties of West-Chester, Rockland, Orange and Ulster; the 4th to consist of the counties of Dutchess and Columbia; the 5th to consist of the counties of Rensselaer and Schoharie, and the city and county of Albany; the 6th to consist of the counties of Washington, Clinton and Saratoga; the 7th to consist of the counties of Montgomery, Oneida and Herkemer; the 8th to consist of the counties of Delaware, Otsego, and Chenango; and the 9th to consist of the counties of Tioga, Onandago, Steuben and Ontario. The state of New-Jersey shall contain 5 divisions, The 1st to consist of the counties of Bergen, Essex and Middlesex; the 2nd to consist of the counties of Sussex and Morris; the 3d to consist of

the counties of Hunterdon and Somerset ; the 4th to consist of the counties of Burlington and Monmouth ; and the 5th to consist of the counties of Gloucester, Cumberland, Salem and Cape-May. The state of Pennsylvania shall contain 9 divisions : The 1st to consist of the city and county of Philadelphia ; the 2d to consist of the counties of Delaware, Chester and Lancaster ; the 3d to consist of the counties of Montgomery and Bucks ; the 4th to consist of the counties of Berks and Dauphin ; the 5th to consist of the counties of Northampton, Wayne and Luzerne ; the 6th to consist of the counties of York, Cumberland and Franklin ; the 7th to consist of the counties of Northumberland, Lycoming and Mifflin ; the 8th to consist of the counties of Bedford, Somerset and Huntingdon ; & the 9th to consist of the counties of Westmoreland, Alleghenny, Washington, Greene and Fayette. The state of Delaware shall contain 3 divisions : The 1st to consist of the county of New-Castle ; the 2d to consist of the county of Kent ; and the 3d to consist of the county of Sussex. The state of Maryland shall contain 7 divisions : The 1st to consist of the counties of Saint Mary's, Charles and Calvert ; the 2d to consist of the counties of Montgomery and Prince George's (including the city of Washington) ; the 3d to consist of the counties of Anne-Arundel, including the city of Annapolis and Baltimore (including the city of Baltimore) ; the 4th to consist of the counties of Washington, Frederick and Allegany ; the 5th to consist of the counties of Harford, Coecil and Kent ; the 6th to consist of the counties of Queen-Anne's, Caroline and Talbot ; and the 7th to consist of the counties of Somerset, Dorchester and Worcester. The state of Virginia shall contain 11 divisions : The 1st to consist of the counties of Frederick, Berkeley, Shenandoah, Rockingham, Augusta, Rockbridge, Bath and Botetourt ; the 2d to consist of the counties of Hampshire, Brooke, Hardy, Pendleton, Harrison, Monongalia, Ohio and Randolph ; the 3d to consist of the counties of Greenbrier, Kenhawa, Montgomery, Wythe, Grayson, Washington, Russell and Lee ; the 4th to consist of the counties of Patrick, Franklin, Henry, Bedford, Pittsylvania, Campbell and Halifax ; the 5th to consist of the counties of Charlotte, Prince Edward, Buckingham, Cumberland, Pawhatan, Amelia, Nottaway, Lunenburg and Mecklenburg ; the 6th to consist of the counties of Chesterfield, Dinwiddie, Brunswick, Greenville, Sussex and Prince George ; the 7th to consist of the counties of Surry, Southampton, Isle of Wight, Nansemond, Norfolk and Princess Anne ; the 8th to consist of the counties of Hanover, Henrico, New Kent, Charles city, James city, Matthews, Gloucester, York, Warwick, Elizabeth city, Accomack and North Hampton ; the 9th to consist of the counties of Caroline, King and Queen, Essex, King William, Middlesex, Lancaster, Northumberland, Richmond, Westmoreland and King George ; the 10th to consist of the counties of Stafford, Culpepper, Fairfax, Fauquier, Loudoun and Prince William ; and the 11th to consist of the counties of Spottsylvania, Orange, Madison, Louisa, Fluvanna, Goochland, Albemarle and Amherst. The state of Kentucky shall con-



tain 5 divisions : The 1st to consist of the counties of Madison, Lincoln, Garrard, Mercer, Washington, and that part of the county of Franklin which lies on the south side of the Kentucky river ; the 2d to consist of the counties of Nelson, Shelby, Jefferson, Bullitt and Hardin ; the 3d to consist of the counties of Green, Logan, Christian and Warren ; the 4th to consist of the counties of Mason, Fleming, Bracken, Campbell, Harrison and Bourbon ; and the 5th to consist of the counties of Fayette, Woodford, Scott, Clark, Montgomery, and that part of Franklin county which lies on the north side of the Kentucky river. The state of North Carolina shall contain 7 divisions : The 1st to consist of Edenton district ; the 2d to consist of Newbern district ; the 3d to consist of Halifax district ; the 4th to consist of Hillsborough district ; the 5th to consist of Salisbury district ; the 6th to consist of Morgan district ; and the 7th to consist of Wilmington and Fayette districts. The state of Tennessee shall contain 3 divisions : The 1st to consist of the district of Washington ; the 2d to consist of the district of Hamilton ; & the 3d to consist of the district of Mero. The state of South-Carolina shall contain 5 divisions : The 1st to consist of the districts of Charleston and George-town ; the 2d to consist of the districts of Camden and Cheraw ; the 3d to consist of the districts of Pinckney and Washington ; the 4th to consist of the district of Ninety-Six ; and the 5th to consist of the districts of Orangeburg and Beaufort. The state of Georgia shall contain 3 divisions : The 1st to consist of the counties of Chatham, Bryan, Liberty, McIntosh, Glynn, Camden and Effingham ; the 2d to consist of the counties of Washington, Montgomery, Scriven, Burke, Richmond, Jefferson, Warren and Columbia ; and the 3d to consist of the counties of Hancock, Wilkes, Green, Elbert, Oglethorpe, Jackson and Franklin. And where any new county shall have been, or hereafter may be formed, within any state, out of any one or more of the counties composing any one of the aforesaid divisions, such new county shall be considered as part of such division ; & if such new county shall have been, or hereafter shall be formed out of counties lying in different divisions, then the commissioners to be appointed in pursuance of this act, shall determine to which of such divisions it shall belong. July 9, 1798. c. 87, § 1.

2. The said commissioners shall, before they enter on the discharge of the duties enjoined by this act, take and subscribe before some competent magistrate, an oath or affirmation, truly, faithfully and impartially to discharge their trust : in default of taking which oath or affirmation, before entering on the discharge of the duties aforesaid, the party failing shall forfeit two hundred dollars for the use of the U. S. to be recovered in any court having competent jurisdiction with costs of suit. *ibid*, § 2.

3. There shall be one commissioner appointed for each of said divisions, who shall reside within the same ; and if the appointment of said commissioners, or any number of them, shall not be made during the present session of Congress, the President of the

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U. S. shall make such appointment during the recess of the senate, by granting commissions which shall expire at the end of their next session. *ibid*, § 3.

4. The commissioners for each state shall, immediately, or as soon as may be, after their appointment, convene in a general meeting, at such time and place as shall be appointed and directed by the commissioner for each state, first named and qualified, according to this act; and a majority of the commissioners so convened, shall have power to adjourn to such time and place as they shall judge proper: and a majority of the commissioners to be appointed in each state according to this act, when convened according to rules to be adopted at their first meeting, shall be a board competent to transact and discharge any business or duties enjoined by this act. *ibid*, § 4.

5. The said commissioners, when convened as aforesaid, shall appoint a suitable person to be their clerk, who shall hold his office at the pleasure of the said commissioners; whose duty it shall be to record and preserve all rules, proceedings and documents of the said commissioners, and who shall take an oath or affirmation, diligently & faithfully to discharge his trust; which oath or affirmation, either of the said commissioners is authorized to administer; and in default of taking such oath or affirmation, previous to entering on the duties of the said appointment, or on failure to record diligently and truly, all or any rules or proceedings of the said commissioners or to furnish transcripts or copies thereof, when directed by the said commissioners, or required by the Secretary of the treasury, in writing, such clerk shall be discharged from office, and shall forfeit 100 dollars, to be recovered for the use of the U. S. with costs of suit, in any court having competent jurisdiction. *ibid*, § 5.

6. The said commissioners shall cause to be recorded & noted, the names of such of the said commissioners as shall attend any general meeting, as also the periods of their attendance, respectively; and if any commissioner shall fail to attend such general meeting, and shall not transmit or cause to be transmitted to the said commissioners, at their said meeting, or that next subsequently holden, an excuse for such absence, which shall, by a majority of the commissioners then present, be accepted as satisfactory and reasonable, such commissioner so failing, as aforesaid, shall, for every day which he may be absent, during such meeting, forfeit 10 dollars, to be recovered for the use of the U. S. with costs of suit, in any court having competent jurisdiction: or to be deducted from the compensation as hereafter established for the said commissioner: and a transcript from the records of the said commissioners, certified by their clerk, by which it shall appear that any commissioner has failed, to attend a general meeting, and to transmit, or cause to be transmitted, an excuse, which shall have been accepted as satisfactory and reasonable, as aforesaid, shall be conclusive and legal evidence that the penalty aforesaid has been incurred. *ibid*, § 6.

7. The commissioners for each state, convened as aforesaid, are empowered to divide their respective states into a suitable and convenient number of assessment districts, within each of which they shall appoint one respectable freeholder to be principal assessor, and such number of respectable freeholders to be assistant assessors, as they shall judge necessary for carrying this act into effect: *Provided*, That the Secretary of the Treasury shall be authorized to reduce the number of assistant assessors in any district, if either shall appear to him to be too great: and each assessor, so appointed, and accepting the appointment, shall, before he enters on the duties of his appointment, take and subscribe, before some competent magistrate, or some commissioner to be appointed by virtue of this act, the following oath or affirmation, *to wit*: "I, A. B. do swear or affirm, that I will to the best of my knowledge, skill and judgment, diligently and faithfully execute the office and duties of assessor for *(naming the assessment district)* without favor or partiality, and that I will do equal right and justice in every case in which I shall act as assessor:" and a certificate of such oath or affirmation shall be delivered to the commissioner of the district for which such assessor shall have been appointed; and every assessor, acting in his said office, without having taken the said oath or affirmation, shall forfeit & pay for the use of the U. S. 100 dollars, to be recovered with costs of suit, in any court having competent jurisdiction. *ibid*, § 7.

8. The commissioners for each state, convened, as aforesaid, shall establish all such regulations, as to them, or a majority of them, shall appear suitable and necessary, for carrying this act into effect; which regulations shall be binding on each commissioner and assessor, in the performance of the duties enjoined by, or under this act; and also to frame instructions for the said assessors, informing them, and each of them, of the duties to be by them respectively performed under this act: Pursuant to which regulations and instructions, the said commissioners shall, jointly or severally, direct and cause the said assessors, and each of them, to enquire after concerning all lands dwelling houses and slaves in their respective assessment districts, by reference to any records or documents, and to any lists of assessment taken under the laws of their respective states, and by all other lawful ways & means; and to value and enumerate the said dwelling houses, lands and slaves in the manner following, to wit: Every dwelling house above the value of 100 dollars, with the out-houses thereto appurtenant, and the lot on which such dwelling house and out-houses are erected, not exceeding 2 acres, in any case, shall be valued at the rate such dwelling house, with the lot and appurtenances aforesaid, are worth in money with a due regard to situation. All lands and town lots, except lots on which dwelling houses above the value of 100 dollars, with their appurtenances, are erected as aforesaid, shall be valued by the quantity, either in ~~acres~~ acres, or square feet as the case may be, at the average rate



which each separate and entire tract or lot is worth in money, in a due relation to other lands and lots, and with reference to all advantages, either of soil or situation, and to all buildings and other improvements of whatever kind, except dwelling houses above the value of 100 dollars, and the out houses appurtenant thereto.—And all slaves, whether negroes, mulattoes or mestizoes, above the age of 12, and under the age 50 years, shall be enumerated in the assessment district in which they may, respectively, be kept or employed at the time of the enumeration, except such as from fixed infirmity, or bodily disabled, may be incapable of labor: *Provided*, That all property of whatever kind, coming within any of the foregoing descriptions, and belonging to the U. S. or any state, or permanently exempted from taxation by the laws of the state wherein the same may be situated or possessed, shall be exempted from the aforesaid valuation and enumeration. *ibid* § 8.

9. For the purpose of making the aforesaid valuations and enumerations, the assessors to be appointed in each assessment district, in pursuance of this act, shall be authorized and required to distribute their respective assessment districts, by mutual agreement, into such number of divisions as they shall deem convenient, not exceeding the number of assistant assessors appointed for each district; after which, they shall, severally, proceed, without delay, through their respective divisions, and in general through every part of their respective assessment districts, and shall require all persons owning or possessing any dwelling houses, lands or slaves, or having the care or management thereof, to deliver separate written lists, specifying in one list, the dwelling houses; in another, the lands; and in a third, the slaves, owned, possessed, or superintended by them respectively, in each and every assessment district of the state, or of any other state, designating the state, county, parish, township or town, as the case may be, where the property lies; & making separate lists, as aforesaid, for the property in each: And the said lists shall specify in respect to dwelling houses, their situation, their dimensions or area, their number of stories, the materials whereof they are built, whether wood, brick or stone, the number, description and dimensions of the out-houses appurtenant to them, and the names of their owners or occupants: And in respect to lands, the said lists shall specify the quantity of each separate tract or lot, the number, description and dimensions of all wharves and buildings thereon, except dwelling houses above the value of 100 dollars, and the out houses appurtenant thereto; the name of the owner or occupant; & the quantity of land which such owner or occupant may claim, as entitled to exemption under this act, with the circumstances whereon the claim rests; and in respect to slaves, the said lists shall specify the number above the age of 12, and under the age 50 years, owned or possessed by, or under the care of each person, with the name of such person. *ibid* § 9.

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10. If any person, as aforesaid, shall not be prepared to exhibit a written list, when required, and shall consent to disclose the particulars of any and all lands, dwelling houses and slaves as aforesaid, then and in such case it shall be the duty of the assessor to make such list, which being distinctly read and consented to, shall be received as the list of such person. *ibid.* § 10.

11. If any person shall deliver or disclose to any assessor, appointed in pursuance of this act, and requiring a list or lists, as aforesaid, any false or fraudulent list, with intent to defeat or evade the valuation or enumeration hereby directed to be made, such person so offending, and being thereof convicted before any court having competent jurisdiction, shall be fined in a sum not exceeding 500 nor less than 100 dollars, at the discretion of the court, and shall pay all costs and charges of prosecution: And the valuation and enumeration of such person's property, shall, in all such cases, be made as aforesaid upon lists, according to the form above described, to be made out by the assessors, respectively, which lists the said assessors are hereby authorized and required to make, according to the best information they can obtain, and for the purpose of making which, they are hereby authorized to enter into and upon all and singular the premises respectively, and from the valuations and enumerations so made, there shall be no appeal. *ibid.* § 11.

12. The lists aforesaid shall be taken with reference to the 1st Oct. next; and the commissioners aforesaid shall prescribe a time to the assessors of assessment districts, within which time the said lists shall be taken & delivered to the principal assessor, to be named for that purpose, in each assessment district; which time shall not be more than 30 days from the time of receiving their precepts or warrants. And all lists of property, taken with reference to any other assessment district, than that in which the owner or possessor resides, shall be immediately transmitted to the commissioner superintending the district, and from him to the principal assessor of the district within which such property is situated. *ibid.* § 12.

13. In case any person shall be absent from his place of residence, at the time an assessor shall call to receive the list of such person it shall be the duty of such assessor to leave at the house or place of residence of such person, a written note or memorandum, requiring him to present to such assessor the list or lists required by this act, within 10 days from the date of such note or memorandum. *ibid.* § 13.

14. If any person, on being required or notified as aforesaid, shall refuse or neglect to give such list or lists, within the time required by this act, it shall be the duty of the assessors for the assessment district, within which such person shall reside, or of some 2 or more of them, to enter into and upon the lands, dwelling houses and premises of such person so neglecting or refusing, and to make, according to the best information which they can obtain, and on their own view, such list or lists of the lands, dwell-

ing houses and slaves of such person, as are required by this act; which lists, so made and subscribed, by such assessors, shall be taken and reputed as good and sufficient lists of the lands, dwelling houses and slaves of such person, under, and for the purposes of this act: And the person so failing or neglecting, unless in case of sickness, or absence from home, for the whole period from the leaving of such notification, to the expiration of the said 10 days, shall moreover, forfeit and pay, 100 dollars, to be recovered, with costs of suit, in any court having competent jurisdiction; 1 moiety to the use of the assessors for the assessment district, in which such person shall reside, and the other to the use of the U. S. *ibid.* § 14.

15. Whenever there shall be, in any assessment district, any dwelling houses, lands or slaves, not owned or possessed by any person or persons within such district, and no list of which shall be transmitted to the principal assessor of such district, in the manner provided by this act, it shall be the duty of the assessors for such district or some 1 or more of them; to enter into and upon all such dwelling houses, lands and lots, and to make lists of the same respectively, after the form prescribed by this act, and also to make lists of all slaves as aforesaid; which lists, being subscribed by the said assessor or assessors, shall be taken and reputed as good and sufficient lists of such lands, dwelling houses and slaves, under and for the purposes of this act. *ibid.* § 15.

16. The assessors, after collecting the said lists of lands, dwelling houses and slaves, shall proceed to value and assess the same, in a just proportion, according to this act, and shall arrange and class the said lands, dwelling houses and slaves, in 3 general lists, the 1st of which lists shall exhibit, in alphabetical order, the names of all proprietors and possessors, where known, of lots and tracts of land in such assessment district, with the quantity and valuation of each lot and tract, and the whole valuation of the lands belonging to, or possessed by any 1 person; the 2nd list shall exhibit, in alphabetical order, the names of all proprietors and possessors of dwelling houses above the value of 100 dollars, with the description and valuation of each dwelling house, and the appurtenances, and the quantity of land valued therewith, according to this act; and the 3rd list shall exhibit, in alphabetical order, the names of all persons, owning, possessing, or having the care of any slaves, with the number of slaves, as aforesaid, owned by, or under the care of each person: And the forms of the said lists shall be devised and prescribed by the department of the Treasury. *ibid.* § 16.

17. If any assessor shall fail to perform any duty assigned by this act, within the time prescribed in his precept, warrant or other legal instructions, not being prevented therefrom by sickness, or other unavoidable accident, every such assessor shall be discharged from office, and shall moreover forfeit 200 dollars, to be recovered for the use of the U. S. in any court having competent jurisdiction, with costs of suit. *ibid.* § 17.



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18. Immediately after the valuations and enumerations shall have been completed, as aforesaid, the principal assessor in each assessment district, shall by written notifications, to be publicly posted up, in at least 4 of the most public places in such district, advertise all persons concerned, of the place where the said lists, valuations and enumerations may be seen and examined; and that during 15 days after the publication of the notifications, as aforesaid, appeals will be received and determined by him relative to any erroneous or excessive valuations or enumerations by the assessor. *ibid.* § 18.

19. It shall be the duty of the principal assessor, in each assessment district, during 15 days after the date of public notification to be made as aforesaid, to submit the proceedings of the assessors, and the lists by them received or taken, as aforesaid, to the inspection of any and all persons who shall apply for that purpose: And the said principal assessors are hereby authorized to receive, hear and determine, in a summary way, according to law and right, upon any and all appeals which may be exhibited against the proceedings of the said assessors: *Provided*, That the question to be determined by the principal assessor, on an appeal respecting the valuation of any lands or dwelling houses, shall be, whether the valuation complained of, be, or be not in a just relation or proportion to other valuations in the same assessment district. *ibid.* § 19.

20. All appeals to the principal assessors, as aforesaid, shall specify the particular cause, matter or thing, respecting which a decision is requested, and shall moreover, state the ground or principal of inequality or error complained of, by reference to some one or more valuations of lands or dwelling houses in the same assessment district; and in all cases to which reference may be made in any appeal, as aforesaid, the principal assessor shall have power to re-examine and equalize the valuations as shall appear just and equitable: but no valuation shall be increased, without a previous notice of at least 5 days to the party interested to appear and object to the same, if he judge proper; which notice shall be given by a note in writing, to be left at the dwelling of the party, by such assessor as the principal assessor shall designate for that purpose. *ibid.* § 20.

21. Immediately after the expiration of the time for receiving, hearing and deciding on appeals, and within such period as shall be prescribed by the commissioners aforesaid, the principal assessor and other assessors of each assessment district, shall make out, subscribe and transmit to the commissioner superintending the district, exact copies, certified under their hands, of all lists respectively taken by them or either of them, as aforesaid, together with 3 abstracts of their proceedings: one of which abstracts shall exhibit a summary view of the valuations of all lands; and another abstract shall exhibit a summary view of the valuations of all dwelling houses; and a third abstract shall exhibit a summary view of the enumeration of all slaves, as aforesaid, in each district:

the forms of which abstracts shall be established and prescribed by the department of the treasury. *ibid.* § 21.

22. The commissioners, as aforesaid, shall have power, on consideration and examination of the abstracts to be rendered by the assessors, as aforesaid, and of the lists aforesaid, to revise, adjust and vary, the valuations of lands and dwelling houses in any assessment district, by adding thereto, or deducting therefrom, such a rate per centum, as shall appear to be just and equitable: *Provided*, that the relative valuations of the different lots or tracts of land, or dwelling houses, in the same assessment district, shall not be changed or affected: *Provided nevertheless*, That if manifest error or imperfection shall appear in any of the said abstracts, the commissioners shall require of the assessors, that the said abstracts be explained & corrected, & shall remove from office, any & all of the said assessors, and otherwise proceed against them according to this act; and if necessary, in the opinion of a majority of the commissioners, convened in a general meeting, a new valuation may be directed, and after such valuations shall have been completed and confirmed in the manner prescribed by this act, the said commissioners shall cause the aforesaid abstracts and lists to be transmitted to the Secretary of the Treasury: in default of which, they shall severally forfeit and pay, for the use of the U. S. 200 dollars, to be recovered with costs of suit, in any court having competent jurisdiction. *ibid.* § 22.

23. The said commissioners, as aforesaid, shall direct the principal assessors of each assessment district, to register and record the lists, valuations and enumerations made by the assessors, as aforesaid: and to add to, or deduct from the valuations of the lands and dwelling houses of each individual, such a rate per centum, as shall be determined by the commissioners, as aforesaid. *ibid.* § 23.

24. After the valuations, enumerations, and records thereof, shall have been completed, according to this act, it shall be lawful for the supervisors of districts comprehending but one survey of inspection, and the inspectors of surveys in districts comprehending more than one survey of inspection, with the concurrence of the supervisors of such districts, to depute one skilful and fit person, in each assessment district, to be surveyor of the revenue; and every surveyor of the revenue, so appointed, shall give bond, with surety, in a sum not less than 500 nor more than 2000 dollars, for the diligent and faithful execution of his office, and shall take and subscribe an oath or affirmation, truly, faithfully and impartially to discharge the duties enjoined by this act; and a certificate of the said oath or affirmation, with the said bond, shall be transmitted to, and lodged in the office of the supervisor of the district. *ibid.* § 24.

25. It shall be the duty of the surveyors of the revenue to receive and safely preserve the records of the lists, valuations and enumerations herein before mentioned; And the said surveyors shall keep true and exact accounts of the valuation of the lands and dwelling houses belonging to each and every individual, distinguishing each tract, lot and dwelling-house. And whenever

any lands or dwelling-houses, included in the said valuation, shall be alienated, or in any way transferred, it shall be the duty of the surveyor of the revenue for the district, if a dwelling-house, or an entire tract or lot has been alienated, to charge the amount of the valuation thereon, to an account with the purchaser, and to credit the account of the person disposing of the same; and whenever a tract of land, lot, or dwelling house, shall be divided by sale or partition, the said surveyor shall by entry & view of the said land or dwelling-house, or by other lawful ways and means, inform himself of the relative value of the different parts of the original tract or lot, or dwelling house so divided, and shall apportion the value of the entire tract or lot, or dwelling house, as shall be just and equitable; and shall enter and record the same, in manner aforesaid. And whenever, and so often as a new dwelling-house shall be erected and inhabited, after the 1st Oct. next, or any dwelling-houses or lands, which at the time of making the said valuation, shall be exempted from taxation by the laws of the state where the same shall be situated, shall cease to be so exempted the said surveyors shall in their respective districts, proceed to value and assess the same in like manner, and on the principles herein before prescribed, in respect to valuations of dwelling-houses and lands, and shall add the same to the valuations to be made by assessors, as aforesaid. And whenever, and so often as any dwelling-house shall be destroyed or damaged, by fire, or other accident, it shall be lawful for the surveyors to cancel the valuations thereon, if such house be wholly destroyed; or if such house be merely damaged or impaired, to reduce the valuation thereon, to such sum as shall be just and equitable: *Provided*, That no change of the valuation of any dwelling house, shall be valid, until the same shall have been approved by the inspector of the survey, or the supervisor of the district, if comprehending but one survey of inspection. *ibid.* § 25.

26. It shall be the duty of the surveyors of the revenue, whenever they shall receive precepts or warrants for that purpose, from the inspectors of surveys, or the supervisors of districts comprehending but one survey of inspection, to enumerate any and all slaves in their respective districts above the age of 12 and under the age of 50 years, except such as from fixed infirmity or bodily disability, may be incapable of labor, as aforesaid, and to report the number thereof, as also the number of houses with the valuations thereof, respectively, and the valuation of any and all lands, and also to compute and state the taxes which may be due and payable by each and every individual; and to deliver true and correct lists thereof, to the persons who may be appointed to receive the same. *ibid.* § 26.

27. The said surveyors of the revenue shall, at all times, submit the inspection of their books & records, to the supervisors and inspectors of the internal revenues of the U. S. or to any person authorized and deputed by the Secretary of the Treasury, for that purpose; and shall, moreover, grant and certify copies or trans-

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cripts therefrom, to any persons who shall apply for the same, & who shall previously tender or pay the fees hereafter allowed and established therefor. *ibid.* § 27.

28. The following compensations shall be allowed to the commissioners, clerks and assessors aforesaid, for services to be performed under this act. To each commissioner, 150 dollars, in addition to an allowance of 3 dollars per diem, for each and every day, in going to, attending at, and returning from any general meeting of the said commissioners, or in visiting the several assessment districts, in pursuance of any resolution of the said commissioners. To each clerk of the commissioners, a compensation for the time they may be employed, not exceeding the rate of 500 dollars per annum. To each assessor, other than principal assessors, 1 dollar and 50 cents per diem, for every day employed in collecting lists; and also 1 dollar per diem for every day employed in arranging the said lists, and making the valuations and enumerations. To each principal assessor, 1 dollar and 50 cents for every day employed in receiving and arranging lists, and hearing appeals, and in recording the lists, valuations and enumerations aforesaid, and corresponding with commissioners; and in addition to the said allowances and compensations, the said commissioners and assessors shall be allowed their necessary and reasonable charges for books and stationary; and the accounts of the assessors shall be certified by, and presented to the commissioners, in the name of the principal assessor of each assessment district, who shall be responsible to the other assessors. And the accounts of the assessors and commissioners in each state, shall be presented at the treasury, for adjustment, in the name of some one of the commissioners, to be designated for that purpose, by the other commissioners, who shall distribute the sums payable to the principal assessors, aforesaid: *Provided*, That no allowance shall be made to the assessors, other than for the expence of books and stationary, until it shall be ascertained and certified to the satisfaction of the commissioners, that the services directed by this act, have been performed. And all letters or packets to or from any commissioner, appointed under this act, shall within the limits of the state for which such commissioner is appointed, be conveyed by post, free of postage. *ibid.* § 28.

29. The surveyors of the revenue shall be allowed the following compensations, for services to be performed under this act: For recording each and every transfer of the valuation of every entire tract of land, or dwelling-house, 12 and an half cents: For apportioning each and every valuation of a tract of land, lot or dwelling-house, and recording the same, in consequence of any division or partition thereof, 50 cents for every division of the original tract, lot or dwelling-house: For viewing each and every dwelling-house, in consequence of an application for the reduction of a valuation, & for recording the proceeding thereon, one dollar: For every official certificate, except such as may be required by the treasury department, or the supervisors, inspectors or collectors of the revenue, 25 cents; which shall be paid by the party applying for such reduction, record, exoneration, or apportionment. *ibid.* § 29.

## 540 *Valuation of Lands and Dwelling Houses, &c.*

30. For defraying the expences incident to the valuations & enumerations directed by this act, there shall be appropriated 150,000 dollars, to be paid out of any unappropriated money in the Treasury of the U. S. *ibid.* § 30.

31. So much of the act, intituled "An act to provide for the valuation of lands and dwelling houses, and the enumeration of slaves within the U. S." as requires that the lists to be delivered in pursuance of the 9th §. thereof, shall specify, in respect to dwelling houses, "the number and dimensions of their windows," is repealed. Feb. 28, 1799, c. 126. § 1.

32. The commissioners under the said act, for each state respectively, are authorized to extend the time thereby allowed for receiving appeals by the principal assessors, and also the time so allowed for returning lists by the assistant assessors in all cases where the said commissioners shall deem such extension necessary, and for such time as they shall think expedient, and so much of the 20th §. of the above mentioned act, as requires all appeals to be made in writing, is repealed. *ibid.* §. 2.

33. The Secretary of the Treasury, is empowered, under the direction of the President of the U. S. to augment, in cases where he may find it necessary, the compensations fixed for principal and assistant assessors, by said act, so, however, as that no principal or assistant assessor shall in any case, receive more than 2 dollars per day, which additional compensations shall be subject to the same rules of settlement as are established by the aforesaid act respecting the compensations therein fixed for principal and assistant assessors. *ibid.* §. 3,

## Vermont, State of.

1. **O**N the 4th day of March 1791, the state of Vermont, by the name and stile of "the state of Vermont," shall be received and admitted into this union, as a new and entire member of the United States of America. Feb. 18, 1791, c. 7.

2. All the laws of the U. S. which are not locally inapplicable, shall have the same force and effect within the state of Vermont, as elsewhere within the U. S. March 2, 1791, c. 12, § 1.

## War Department.

1. **T**HERE shall be an executive department, to be denominated the Department of War; and there shall be a principal officer therein, to be called the Secretary for the Department of War, who shall perform and execute such duties as shall from time to time be enjoined on, or entrusted to him by the President of the U. S. agreeably to the constitution, relative to military commissions, or to the land or naval forces, ships, or warlike stores of the U. S. or to such other matters respecting military or naval affairs, as the President of the U. S. shall assign to the said department, or relative to the granting of lands to persons entit-

led thereto, for military services rendered to the U. S. or relative to Indian affairs; and he shall conduct the business of the said department in such manner, as the President of the U. S. shall from time to time order or instruct. Aug. 7. 1789, c. 7, § 1.

2. There shall be in the said department, an inferior officer, to be appointed by the said principal officer, to be employed therein as he shall deem proper, and to be called the chief clerk in the department of war, and who, whenever the said principal officer shall be removed from office by the President of the U. S. or in any other case of vacancy, shall during such vacancy, have the charge and custody of all records, books and papers, appertaining to the said department. *ibid.* § 2.

3. The said principal officer, and every other person to be appointed or employed in the said department, shall, before he enters on the execution of his office or employment, take an oath or affirmation well and faithfully to execute the trust committed to him. *ibid.* § 3.

4. The Secretary for the department of war, shall be entitled to have the custody and charge of all records, books and papers in the office of Secretary for the department of war heretofore established by the U. S. *ibid.* § 4.

5. There shall be an accountant to the department of war, who shall be charged with the settlement of all accounts relative to the pay of the army the, subsistence of officers, bounties to soldiers, the expences of the recruiting service, the incidental and contingent expences of the department; and who shall report from time to time, all such settlements as shall have been made by him, for the inspection and revision of the accountant shall also be charged with the settlement of all claims for personal service authorised by the act of this Congress of the 27th March last, and of all military claims lodged in the late office of the paymaster general and commissioner of army accounts, which are not foreclosed by the acts of limitation of the late Congress, and he shall report from time to time, all such settlements as have been made by him, for the inspection and revision of the Comptroller of the Treasury. May 8. 1792, c. 37, § 1.

6. The Treasurer of the U. S. shall disburse all such monies as shall have been previously ordered for the use of the department of war by warrants from the treasury; which disbursements shall be made pursuant to warrants, from the Secretary at War, counterigned by the accountant. *ibid.* § 2.

7. There shall be a paymaster to reside near the head quarters of the troops of the U. S. who shall receive from the treasury all the monies which shall be entrusted to him for the purpose of paying the pay, the arrears of pay, subsistence or forage, due to the troops of the U. S. he shall receive the pay abstracts of the paymasters of the several regiments or corps, and compare the same with the returns or muster rolls which shall accompany the said pay abstracts. He shall certify accurately to the commanding officer, the sums due to the respective corps, which shall have been examined as aforesaid, who shall thereon issue his warrant





on the said deputy-paymaster, for the payment accordingly, copies of all reports to the commanding officer, and the warrants thereon, shall be duly transmitted to the office of the accountant of the war department, in order to be there examined & finally adjusted at the treasury. The said paymaster shall give bond in the sum of 20,000 dollars, with 2 sufficient sureties, for the faithful discharge of his duty, and he shall take an oath faithfully to execute the duties of his office. The compensation to the said paymaster shall be 60 dollars monthly, with the same rations and forage as a major. *ibid.* § 3.

8. No assignment of pay made after the 1st June next, by a non-commissioned officer or private, shall be valid. *ibid.* § 4.

9. In case of vacancy in the office of the Secretary of the department of war, or of any officer of the said department whose appointment is not in the head thereof, the President of the U. S. may authorise any person or persons to perform the duties of the same, until a successor is appointed, any time not longer than 6 months. Feb. 13, 1795, c. 86.

10. All letters and packets to or from the accountant of the Department of war, shall be conveyed by post, free of postage, under such restrictions as are provided by law, in like cases, May. 27, 1796, c. 32, § 2. See *Arsenals*. 2, 3. *Navy department*. 8, 9 10,

## Widows & Children, Of officers dying in the Service.

1. IF any commissioned officer in the troops of the U. S. shall, while in the service of the U. S. die, by reason of wounds, received in actual service of the U. S. and shall leave a widow, or if no widow, shall leave a child or children, under age, such widow, or if no widow, such child or children, shall be entitled to, & receive the half of the monthly pay, to which the deceased was entitled, at the time of his death, for and during the term of 5 years: And in case of the death or intermarriage of such widow, before the expiration of the said term of 5 years, the half pay for the remainder of the term shall go to the child or children of such deceased officer, while under the age of 16 years, and in like manner, the allowance to the child or children of such deceased, where there is no widow, shall be paid, no longer than while there is a child or children under the age aforesaid. But no greater sum shall be allowed in any case, to the widow or to the child or children of any officer, than the half-pay of a lieutenant-colonel. June 7, 1794, c. 52, § 1.

2. The above provisions, are extended to the widows and orphan children of commissioned officers of the troops of the U. S. and of the militia, who have died by reason of wounds received since the 4th March 1789, in the actual service of the U. S. Provided, application shall be made within 2 years after the end of the present session. March 14, 1798, c. 32. See *Invalid pensions*. 2, 3, 6.

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In the ABBREVIATIONS used in this work, the reader will please to  
OBSERVE,

For art. read article,		For resol. read resolution,
c. chapter,		§. section,
cont. continued,		U. S. United States.



N. B. THE acts of the present session of Congress (December 1799) will be published by way of an Appendix to this volume, in the same order, and with reference to such parts thereof as may undergo alterations;—subjoined to which will be given, correct tables of the duties on imports, tonnage, stamps, domestic articles, &c. with a neat index to the whole.



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